DISTURBANCES AT VEDORA
SWATHA 1938

249 REPORT
OF
COMMITTEE OF ENQUIRY
1938

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DISTURBANCES AT VIDURASWATHA,

1938

REPORT

OF THE

COMMITTEE OF ENQUIRY

(With the Government Order thereon)

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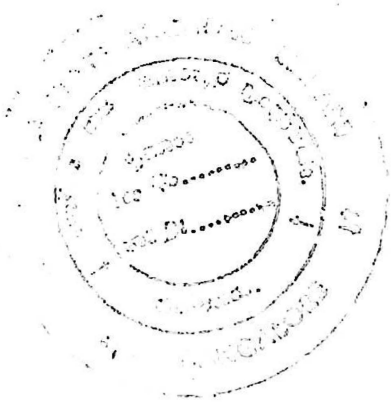

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT.

G. O. No. 1571-1621—C. B. 180-37-112, dated 19th November 1938.

Report of the Viduraswatha Disturbances Enquiry Committee.

Passes orders on the ——.

READ:—

Government Order No. 3557-3618—C. B. 180-37-6, dated 6th May 1938, appointing a Committee to conduct an authoritative enquiry into the circumstances relating to the disturbances which occurred at Viduraswatha on April 25, 1938, and detailing the terms of reference to the Committee.

2. Government Order No. 3772-3821—C. B. 180-37-14, dated 13th May 1938, amplifying the terms of reference to the Committee.

3. Report of the Committee, dated 28th October 1938, together with supplementary notes by Dr. F. X. De Souza, and by the Chairman and Mr. Justice A. R. Nagesvara Iyer.

ORDER No. 1571-1621—C. B. 180-37-112, DATED BANGALORE, THE 19TH NOVEMBER 1938.

In view of the highly sensational and exaggerated reports that were published regarding the events of the 25th April, 1938, at Viduraswatha in the Kolar District, the Government appointed a Committee of judicial officers of unimpeachable authority and impartiality and asked them to make a comprehensive enquiry into the questions, first, of the origin and nature of the occurrences that culminated in the tragedy, and secondly, as to whether the firing by the police was justified or unjustified and whether it was excessive or the reverse, and to make suggestions regarding the use of force or fire arms in dealing with disturbances of this kind.

2. After an enquiry which lasted over a period of five and a half months and has involved the examination of no less than one hundred and forty-seven witnesses, the Committee has recorded its findings upon these points. It is not proposed to reiterate them here, but its main conclusions on the terms of reference will be briefly summarised. It finds that a campaign of unparalleled virulence, which was conducted without any regard to truth, was responsible for the gathering of the crowd, which had nothing to do with the Viduraswatha festival; that the District Officers had at their disposal a force that was inadequate for dealing with so large a crowd; that, in the circumstances of the situation, once the crowd had attacked them, it was inevitable that they should resort to firing in self-defence; and that the firing was not excessive.

The Committee has also found that the casualties resulting in death numbered not more than ten, as was indicated in the Government communique, and that these were grossly exaggerated in the press and false information was broadcast to the world.

3. Government have carefully gone through the report, and are in general agreement with the findings of the Committee. There is some difference of opinion between Dr. De Souza, and the Chairman and Mr. Justice Nagesvara Iyer, on the question as to the officer under whose orders fire was opened. Government agree with the opinion of the majority of the Committee on this point. As the Committee is unanimous in holding that the firing was in the circumstances justified and that it was not excessive, Government feel that no useful purpose would be served by pursuing the point further.

4. The Committee has animadverted upon the conduct of the local officers in dealing with the situation and has also made some suggestions in the matter of preventing a recurrence of such incidents in future. These points will be examined separately and necessary action taken in due course. Government wish to invite attention to the observations made by the Committee in regard to the dissemination of false or exaggerated statements tending to mislead the ignorant masses and to excite them to violent actions.

5. The Government desire to place on record their high appreciation of the ability, patience, and thoroughness

with which Sir Vepa Ramesam and his colleagues have dealt with the difficult task entrusted to them, and to express their obligations to them for their extremely useful report.

B. T. KESAVIENGAR,

Chief Secretary to Government.

To—The Chairman and Members of the Viduraswatha Disturbances Enquiry Committee.

The Inspector-General of Police.

The other Heads of Departments.

The Deputy Commissioner, Kolar District.

The Deputy Commissioners of other Districts

The Secretaries to Government.

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REPORT

OF THE

VIDURASWATHA DISTURBANCES ENQUIRY COMMITTEE.

CHAPTER I.

Introductory.

On the 25th April 1938, certain incidents and disorders occurred at Viduraswatha in which a crowd of about 10,000 persons took part. The disorders culminated in a clash between the crowd and the authorities leading to the use of fire-arms by the police and resulting in the death of some persons and the wounding of several others.

2. The Government published an account of the happening on the basis of the information collected by their own officers in the shape of a press communique issued on the 28th April 1938. A few days later, the Government feeling "that it is desirable in the public interest that an authoritative enquiry should be conducted by a tribunal of unimpeachable impartiality," were pleased to appoint a committee by a Government Order, dated 6th May 1938, as follows:—

Chairman.

SIR VEPA RAMESAM,
Retired Judge, High Court of Judicature, Madras.

Members.

MR. JUSTICE A. R. NAGESVARA IYER,
Judge, High Court of Mysore.

DR. F. X. DE SOUZA, I.C.S. (*Retired*),
Member, Indian Legislative Assembly and Mysore Legislative Council.

Secretary.

MR. K. SUBBA RAO,
Senior Assistant Commissioner.

3. The terms of reference to the Committee as modified by the Government Order, dated 13th May 1938, are:—

(i) To ascertain the causes that led to, and other circumstances connected with, the disturbances;
(ii) Whether the firing by the police was justified;
(iii) If so, whether the firing was excessive; and
(iv) To make such suggestions as they deem fit regarding the use of force or fire-arms in dealing with disturbances of this kind.

The Government also expressed the hope that the Committee would receive all the help and co-operation needed in their labours both from the officers and from the general public.

4. The Committee held a preliminary meeting on the 11th May 1938 and issued the following appeal to the public, with the approval of Government:—

"The Committee appointed by the Government of His Highness the Maharaja to inquire into the Disturbances which occurred at Viduraswatha on April 25, 1938, appeal to the public to co-operate with them in the inquiry. Those who have a personal knowledge of the incidents of that date are requested to co-operate by coming forward and giving evidence before the Committee. The Committee are authorised by the Government to state that no action will be taken against any witness on any statement made by him before the Committee.

"The inquiry will be open to the public and persons interested may, if they so desire, arrange to be represented by an advocate for watching the proceedings or for cross-examining the witnesses."

5. On the 14th May 1938, a notice was issued to the public announcing that the enquiry would commence on May 23, in the Mathematics Buildings of the Central College and that the Committee would sit on all days except Saturdays and Sundays and authorised general holidays. The Committee accordingly began their sittings on May 23. On the re-opening of the College after the vacation, the venue of the enquiry was changed to the Sir Puttanna Chetty Town Hall from the 23rd June. The total number of public sittings was 57 and the number of witnesses examined

was 147, of whom, 146 were examined in public and one *in camera*. Of these witnesses, 1 to 112 and 143 to 146 were examined by Mr. K. Ramaswamy who was deputed by the Government to lead evidence before the Committee, and the remaining 31 were called by Mr. L. S. Raju, a leading advocate of the Bangalore Bar and the President of the Bangalore Civil Liberties Union, who represented that he was appearing on behalf of the public.

6. The evidence of the first twelve witnesses was recorded in the form of questions and answers at all the stages of their examination. Thereafter, the counsel concerned were permitted to file statements of their witnesses, on the basis of which, the witnesses were further examined whenever necessary, and cross-examined before the Committee. Advance copies of such statements or their English translation were furnished to the Committee and the opposite counsel. These statements were taken as examination-in-chief and made part of the proceedings.

7. On May 26, two members of the Committee (Dr. De Souza being indisposed) visited the scene of disturbance. Again, on June 17, the whole Committee inspected the spot a second time. Two members of the Committee other than Dr. De Souza visited it a third time on June 25.

8. During the enquiry, one of the members of the Committee, Mr. Nagesvara Iyer, became indisposed, and in consequence, there were no sittings of the Committee on July 18, 19 and 20. On account of his continued indisposition the other two members of the Committee heard the evidence on July 21, 22, 26 and 27, as Commissioners, and transmitted the record of evidence to the Committee. This procedure was subsequently approved by Government.

9. On May 23, the day on which the enquiry opened, Mr. Raju, the advocate for the public, suggested that at least a few sittings might be held at Viduraswatha itself. The Committee then informed him that they were willing to examine there or at Goribidnur such of the witnesses as were not in a fit condition to travel in consequence of the injuries sustained in the disturbances. All other witnesses were expected to appear before the Committee at Bangalore, their travelling expenses and batta being borne by the Government.

10. There is only one other preliminary matter which need be mentioned here. The Committee were not a court empowered to compel any witness, whether official

or non-official, to appear before them or do anything against his will, and this was well understood by the counsel who appeared on both sides. The object of the appeal referred to already was, therefore, to secure the full and hearty co-operation of the public in the labours of the Committee, and to this end, the Committee spared no pains to afford all reasonable facilities to the counsel and the witnesses who appeared before them.

CHAPTER II.

A description of the scene of disturbance and a plain narrative of events.

11. In this chapter, we propose to give a description of Viduraswatha and its surroundings and a plain narrative of the main events connected with the disturbances. For easy reference, we have appended to the report two sketches—one being the ground plan of the scene of disturbance showing the temple, the choultries and other prominent objects, which are indicated by numerals for easy identification, and the other,* an extract from the topo-sheet showing the relevant towns and villages round about Viduraswatha.

12. Viduraswatha is a sacred spot in the Goribidnur Taluk of the Kolar District. It is 4½ miles north of Goribidnur, and about a little more than a mile from the British frontier, the nearest British village being Chowlur which is about two miles from Viduraswatha. It consists of the temple proper, the two groves to the east and west of it, and a number of choultries and other appurtenances of the temple towards the south. It is comprised, partly, in the revenue village of Dodkurugod, and partly, in the revenue village of Kadirenahalli, the line of demarcation between the two villages running here from east to west immediately to the south of the temple and the two groves. It is situated on the left bank of the Pennar River which flows here in a northerly direction with a slight inclination towards the west. The main road from Bangalore to Hindupur runs within half a mile of Viduraswatha crossing the river near Goribidnur and then passing through the villages of Chikkurugod and Dodkurugod. The railway line from Bangalore to Guntakal runs alongside this road. Near the Dodkurugod railway station, a branch road, three furlongs long, takes off to Viduraswatha from the main road through a

* Not printed.

causeway across the river. There is no water in the river in April.

13. The sacred spot has an ancient tradition which it is unnecessary to describe here. The temple, so called (No. 1), or the sacred enclosure—as it is sometimes described in the report—is a rectangular open space enclosed by a compound wall with the main entrance facing east, a side-gate in the southern wall, and a wicket-gate in the western wall leading to the grove behind the temple. In the centre of it, stands the object of worship, *viz.*, the sacred peepul tree (*Ficus religiosa*) round which a platform is built. This platform is crowded with the consecrated stone images of serpents. The essential part of the worship is called '*pradakshina*' which consists in circumambulating the sacred tree followed by prostrating before it a certain number of times for a certain number of days, in fulfilment of vows taken by the devotees. Within the enclosure of the temple are three shrines (Nos. 2—4) and a '*mantap.*' At the north-east corner of the enclosure is a terraced store-room (No. 5) described as a '*yaga sala*' by W. 65. A little to the south of the main entrance outside the temple wall is another shrine dedicated to Ganesha (No. 6). East of the temple is a small grove consisting of some scattered trees. This will be referred to hereafter as the eastern grove. At the main entrance are two electric lamp-posts. To the north of the temple enclosure is a draw-well with an electric pump (No. 16). On the western side of the enclosure is a bigger grove, full of shady trees, referred to hereafter as the western grove. It is 90 feet north to south, and 450 feet east to west, and in the centre of it, is a temporary platform of bricks 10 feet square (No. 19). South-west of the temple is an old choultry, marked No. 7. Its main entrance is on the east. There is also an entrance in the north which is usually locked. It consists of a number of rooms on all the four sides. On the eastern side, the entrance leads through a corridor to an inner open court-yard, in the centre of which there is a well. On the northern side of the corridor is a staircase leading to an open terrace on the top of the building. The choultry has a pillared verandah in front, at the northern end of which is a room called the '*bhajana*' room occupied by a devotee and his family. Each room on the northern side has a ventilator with iron bars while the one in the '*bhajana*' room is also covered with wire-netting. The room immediately to the west of the '*bhajana*' room is

used as a store-room for utensils and is generally kept locked. Between the northern wall of this choultry and the temple enclosure there is a lane (No. 17) about 25 feet long and 10 feet 6 inches broad. The ventilators of the '*bhajana*' and store-rooms overlook this lane. South of this choultry but separated by a small space, is another choultry in the form of letter 'L,' which is called the new choultry (No. 8). The open space bounded by the sacred enclosure and the eastern grove on the north, and the two choultries on the west and south, is referred to in the Report as the quadrangle. The side-gate of the temple opens into this quadrangle and is usually kept closed. In the centre of the quadrangle is a margosa tree with a platform round it (No. 11). Between this platform and the lane there is a dome-light (No. 25). Slightly to the south-west of the margosa tree is a draw-well (No. 12), and by its side, are two taps. South-east of the second choultry is a third choultry known as Nanjunda Reddy's choultry (No. 9). East of the southern extremity of this choultry is a group of three trees, of which two have a common platform (No. 22). Close by, runs the road which leads to the causeway referred to already. On the east of the quadrangle temporary booths are erected during *jatras*. The small opening between choultries Nos. 7 and 8 had been blocked by a stack of firewood at the time of the disturbances. The open country, to the west of the choultries and south of the western thope, consists of fields but on the date in question, *viz.*, 25th April, there was no standing crop. West of the north-west angle of the first choultry and at some distance to the south of the western grove is a small shed (No. 18) used for housing the temple '*ratha*' or the procession car.

14. An annual *jatra* or fair is held at Viduraswatha. Originally, the *jatra* was a purely religious festival which lasted for nine days beginning with Sri Rama Navami, a day held sacred all over India, which fell on the 8th of April this year. In recent years, a cattle fair also is being held as an adjunct to the *jatra*, and prizes are distributed to the best cattle exhibited at the fair. The distribution of prizes this year took place in the western grove, on April 18, on the platform specially erected for the purpose (No. 19). According to Exhibit 84, which is the programme of the festival, the *jatra* closed on the 21st. It may be mentioned here that the temple is a Muzrai institution under the management of Government assisted by a committee of Dharmadarsis.

15. On the 18th of April 1938, the Amildar-Magistrate of Goribidnur (Witness 28) issued an order (Exhibit 86) under Section 144 of the Code of Criminal Procedure, prohibiting the holding of meetings, delivering of speeches and hoisting of Congress flags within a radius of two miles from Viduraswatha. There was no defiance of the order from the 18th to 21st, but on the 22nd and 23rd the order was defied at Viduraswatha, as a result of which some persons were arrested. On the 23rd of April 1938, printed notices issued by the Goribidnur Taluk Congress Committee were freely distributed. The notice (Exhibit 47) is in the following terms :—

> "Now that an order under Section 144 is promulgated at Viduraswatha from the 18th for a period of 15 days, it is our sacred duty to disobey that order and vindicate our right to freedom of speech and protect the honour of the national flag which is dearer than our own lives. The leading citizens of Goribidnur have already gone to jail by defying that order. The Amildar and the Police Inspector, though they were not concerned with it, have boasted that the workers have all gone to jail, and that Congress work in Goribidnur is at an end. It is our sacred duty at this juncture not only to show our sympathies to our brethren who are in jail but to fling back, in a fitting way, the insult which the Amildar and others have heaped on us. We have therefore resolved to offer *satyagraha* so long as the order remains in force,—and if it is extended, also during its continuance. Such of the *satyagrahis* as are prepared to go to jail, are requested to kindly come to the Congress Office and register their names."

16. On the morning of April 25, a number of processions started from Goribidnur and other villages for Viduraswatha with a view to assemble in the western grove. By 9-30 A.M., a party of twenty-six Reserve Police Constables with lathis, headed by a Havaldar and two Naiks, and nine Reserve Constables headed by a Naik, with rifles, arrived at Viduraswatha from Goribidnur in a police van in two batches. The District Magistrate accompanied by the Sub-Division Officer and the District Superintendent of Police arrived at Viduraswatha at about the same time, and was met by the Amildar-Magistrate, the Police Inspector and the Sub-Inspector. Dropping the District Superintendent of Police there, the District

Magistrate and the Sub-Division Officer went on some village inspection and returned to Viduraswatha at about 10 A.M. In the meanwhile, the rifle party was left near the margosa platform (No. 11), and the lathi party marched to the western grove where the officers found about 1,000 people, belonging mostly to Hindupur Taluk, already assembled round the platform on which three volunteers were sitting with Congress flags. Batches of people were pouring in from all directions. Soon after 10 A.M., the Sub-Division Officer joined the officers at the western grove.

17. From this point, there is considerable divergence between the official version and the story narrated by the witnesses examined by Mr. Raju, in regard to the incidents which happened till the morning firing ceased. The official version is that when the officers went to the western grove with the lathi party, they and the constables mingled with the crowd, informed them about the prohibitory order and appealed to them to disperse. Their persuasions, however, were of no avail. Two big processions, one from Goribidnur and the other from the Ramapur side, arrived shouting slogans, some of which were seditious and defiant, and inciting the crowd to withhold the payment of land revenue. By 10-30 or 11 A.M., the crowd in the grove had swelled to 8,000—10,000. The procession from Goribidnur was led by Mr. T. Ramachar, the Secretary of the Kolar District Congress Committee, who is an advocate and a member of the Legislative Council.

18. After the two processions entered the grove, the lathimen were withdrawn and mustered near the southern edge of the grove. The proceedings then commenced with a volunteer getting up the platform (No. 19), with a view to defy the order, when the authorities declared the assembly unlawful and directed it to disperse. Four persons who successively attempted to hoist Congress flags and make speeches were arrested, and a crowd of sympathisers followed the fourth man as he was being taken through the lane to the police van, preparatory to the removal of the arrested men to Goribidnur. The assembled crowd became excited and began to jeer at the officers. The announcement made by the Sub-Division Officer that the business for the day was over and that they might all peacefully disperse was contemptuously received by the crowd. A similar appeal made by Mr. Ramachar also failed to make any impression on the excited gathering. Thereupon, the officers suggested that Mr. Ramachar should leave the place with his followers.

After some persuasion he went away, but accompanied only by a few congressmen. The crowd then became threatening and rushed towards the platform. The officers were pushed off the platform and jostled from side to side. The Sub-Division Officer sent the Amildar to the District Magistrate to acquaint him with the situation, and under his instructions, gave the crowd some more time to disperse. In the meanwhile, the District Superintendent of Police thought it prudent to send for the rifle party and station them near at hand for use in case of emergency. The constables who went to help the officers in extricating themselves from the crowd, were also roughly handled and the officers felt that the situation was becoming uncontrollable. As the lane (No. 17) which was their only line of retreat was filling up, the Sub-Division Officer directed the lathi party to push back the crowd towards the river-bed with a view to draw away the crowd from the lane. The lathi party was soon hemmed in and lost in the crowd and was attacked with stones and brickbats. The police retaliated by a regular lathi charge, and this, in turn, still more infuriated the mob, who showered stones and other missiles on the police and the officers. Many policemen received injuries by the stone-throw and some officers also were hit by stones. The District Superintendent of Police got the lathimen whistled back and they lined up behind the rifle party. The authorities apprehended danger to their lives and after due warning to the crowd, fire was opened by the rifle party under the orders of the Sub-Division Officer and *Ex-officio* First Class Magistrate. The entire official party retreated through the lane into the quadrangle under cover of the fire. "Cease Fire" order was given when they had come near the lamp-post (No. 25) and the rifle party retreated without firing till they reached the margosa platform (No. 11) where the District Magistrate joined them and took command of the situation. The mob began to close round the official party from all directions pelting stones and other missiles with great vigour and advanced towards the platform undeterred by the warning of the District Magistrate, that firing would be again resorted to. Fire was then opened for a second time under the order of the District Magistrate and the mob dispersed. When the firing ceased, it was about 12-15 P.M. The two firings together lasted for 7 or 8 minutes, and the interval separating them was so short

that it would not be inappropriate to describe the two firings as practically continuous.

19. The witnesses examined by Mr. Raju have told a different story: Before the arrival of the processions, a police cordon had been placed round the grove to prevent the crowd from getting in. When the approach of the processions was announced, the District Superintendent of Police withdrew the cordon and allowed the people to enter the grove. The persons carrying national flags squatted on the platform and the entire assembly numbering more than 10,000 persons settled itself in the grove. The Amildar informed the three volunteers holding flags, who came at the head of the Goribidnur procession, that they were under arrest. Another man stood up on the platform and began to lecture. He too was arrested. All the four arrested persons were taken away under police custody through the lane. There was no flag-hoisting ceremony. At the request of the authorities, Mr. Ramachar appealed to the people to stop further disobedience of the order and disperse peacefully. The Sub-Division Officer told Mr. Ramachar that if the Congress leaders left the place, the officers too would go away with the constables, and then the people would disperse of their own accord. Thereupon, Mr. Ramachar went away with a considerable number of his followers leaving a few volunteers behind to bring the remaining congressmen. The Amildar again asked the crowd to disperse. But the assembled people told him that the noon-day sun was very severe and that they may be allowed to take rest in the cool shade of the grove for half an hour. Their behaviour throughout was perfectly peaceful and non-violent. They did not indulge in shouting objectionable slogans. The Amildar went away through the lane and after a few minutes returned to the grove, briskly walking. He whispered something to the District Superintendent of Police and immediately there was a whistle followed by a vigorous lathi charge. The Sub-Division Officer was not present there at all. This provoked the crowd, and some of them retaliated by throwing brickbats and cocoanut shells on the official party. There was a whistle again, and the lathimen withdrew to the rear. Thereupon, the District Superintendent of Police opened fire with his revolver and a man dropped down. The Police Inspector and the Amildar followed suit and shot with

Accession No.

their revolvers. The members of the rifle party, too, loaded their guns and under the instructions of the District Superintendent of Police opened fire on the crowd. The whole official party retreated through the lane till they reached the margosa platform (point 11) in the quadrangle. Throughout their retreat and for some minutes thereafter, they indulged in shooting down people, firing indiscriminately in all directions. It was a continuous firing, starting in the western grove and ending near the margosa platform, and lasted for 10 to 15 minutes.

20. There is not much controversy as to what happened subsequently. There was a temporary lull. The District Magistrate sent a telegram to the Sub-Assistant Surgeon at Goribidnur who came in the police van up to the causeway with first-aid materials but the mob there, threatened and barricaded the road and the van had to return. Within an hour or two after the firing ceased, some of the dead and all the injured persons were removed from the scene of disturbance without notice to the authorities. Under the impression that the police party had run short of its ammunition, the crowd armed with muzzle-loaders, bows, slings and spears began, at 4 P.M., an organized attack against the officers, who had been practically bottled up in the quadrangle, and indulged in intensive stone-throwing. By 5-40 P.M., the situation became so critical that the police had to open fire for the third time, under the orders of the District Magistrate. The mob moved on to the other side of the river and melted away at about 8 P.M., when a relief party of one hundred armed Reserve Police arrived from Bangalore.

21. Both the Sub-Assistant Surgeon of Goribidnur (Witness 2) and the Special First Class Magistrate, Chikballapur (Witness 20), went to Viduraswatha with the relief party. The Sub-Assistant Surgeon attended to the officers and men who had been injured. On receipt of a telegram late in the afternoon, the Government asked the Revenue Commissioner (Witness 112) to proceed to the spot and find out what had happened. He arrived at Viduraswatha at about 8-15 P.M., and the Deputy Commissioner gave him an account of the happenings of that day. A few minutes later, he left the place, and the Deputy Commissioner and the Sub-Division Officer accompanied him as far as Goribidnur.

22. The same night the Special First Class Magistrate held inquests at Viduraswatha over the dead bodies

of Gudibanda Laxmiah, Goribidnur Venkatagiriappa, Badamarlur Chinnanna, and Gollahalli Narasappa, who had been killed by the morning firing. On the 26th morning, he held an inquest over the dead body of Aswathanarayana Setty who was fatally wounded the previous day and died later in the afternoon while being taken to Goribidnur. The District Magistrate passed a curfew order prohibiting the assemblage of five or more persons, the carrying of weapons, etc., to be in force for a week. A party of 25 Lancers arrived at Viduraswatha on the 27th to help the authorities in preventing outbreak of disorders in the disturbed area.

23. The official version of the casualties is that ten persons were killed and fifteen persons wounded, by the police firing on the 25th. Altogether 101 rounds of ammunition are stated to have been fired by the rifle party that day. Mr. Raju, however, contends that the number of dead and wounded was much more than what the officials have admitted.

CHAPTER III.

Discussion of some controversial points.

24. In the previous Chapter, we have given a narrative of the events, as presented before us by the two sides. We now propose to deal, one by one, with the many controversial issues arising out of the case. But before doing so, we wish to make some reference to the enquiry held by the committee appointed by the Mysore Congress, soon after the disturbances. The newspapers published an account of the proceedings of this committee, for example, *vide* the "Madras Mail" of the 4th, 5th and 6th May. According to the "Madras Mail," the members of the committee visited the scene of the disturbance before they started their enquiry at Goribidnur on the 3rd of May. At Viduraswatha itself, they recorded the evidence of some merchants who were eye-witnesses to the shooting. On the 3rd and 4th May, Edagur, Maralur, and Bitchaganahalli were visited and thirteen witnesses examined. On the 6th May, the committee toured lin the villages of Kudumalakunte, Chowlur and Karekalahalli and Irandahalli and recorded the evidence of twelve witnesses. We have no information regarding the further proceedings of the committee though we have it from

Mr. Raju and Mr. Rama Rao (Witness 124) that as many as one hundred witnesses gave evidence before the committee.

25. We attached much value to the proceedings of this committee, because they commenced work within a few days after the disturbances, and we had thought of using the material collected by them for the purpose of selecting witnesses to be examined before us and testing their evidence in the light of the statements made before the Congress committee. For this reason, we were anxious, from the very beginning, to secure a copy of their proceedings. At an early stage of our enquiry, Mr. Raju was requested to furnish copies of the evidence before that committee. He pleaded that he was not in custody of these documents, and suggested that a reference might be made to the President of the Mysore State Congress in the matter. Accordingly, a communication was sent to the President, and in reply, the Secretary of the Congress intimated, in his letter of the 19th July, that copies of the depositions would be prepared and sent to us as soon as they were ready. But on the 6th August, the Congress Secretary wrote a letter declining to furnish the copies "on account of considerations unnecessary to indicate." We do not know what considerations influenced the Congress to go back on its previous resolution, empowering the Secretary to send us these documents. We then requested Mr. Raju to supply us at least with a copy of the summary of the evidence recorded by the Congress committee, which he was using during the enquiry before us. He first undertook to do so, but later on he did not see his way to comply with our request in spite of many reminders. The evidence recorded by the Congress committee soon after the incidents would have been most helpful to us, and that, we regret, has been denied to us. We are therefore obliged to depend only on the summary of the evidence which has appeared in the newspapers. No reasons were given by the Congress or by Mr. Raju, why the promised copies were ultimately withheld from us.

1. Composition of the crowd.

26. The first question which we take up for discussion is the composition of the crowd which had gathered in the western grove on the date of the disturbance. According to the evidence before us, the strength of the gathering was about 10,000. Of this, about 1,000 to 1,500

were congressmen, but the majority of the people composing the assembly were either villagers or inhabitants of Goribidnur and Hindupur towns who had come in response to the appeal issued by the local Congress committee. Many witnesses have stated before us that on the previous day, handbills were widely circulated by Congress volunteers in the villages of Goribidnur and Hindupur Taluks, inviting people to muster in large numbers at Viduraswatha, in defiance of the prohibitory order issued by the Amildar-Magistrate, and thereby vindicate their right to freedom of speech and association. There is, thus, little doubt that the assembly at Viduraswatha on the date of the disturbance was a political gathering which had met there with the deliberate object of staging a political demonstration against, what the organizers conceived to be, the repressive policy pursued by the Government. Although there does not seem to be much controversy now over this point, several correspondents through their newspapers broadcast to the world that the Police had opened fire on a *congregation of pilgrims on a jatra day when the festival was in full swing.* Even responsible newspapers were in this case misled by the erroneous information supplied by their agents. Commenting editorially under the caption "Police Firing in Mysore Village," "The Hindu" wrote in its issue of the 27th April:

> "The news of the firing on a big crowd which had *collected at a religious fair* in a village in Kolar District, resulting in the death of a number of people variously estimated at between 14 and 32, will have come as a great shock to the public . . . . . Viduraswatha is a place of pilgrimage where *the annual jatra began last week . . . On Monday, the day of the fair*, the District Magistrate passed an order prohibiting the assemblage of more than five persons and the crying of any Congress slogans . . . . . It is not clear why an order in these terms should have been promulgated in a *locality where a big crowd was expected to gather for a perfectly lawful purpose* and with no intention whatever of committing acts of violence . . . . Even if, as one version has it, the crowd was swelled by large numbers whom the announcement of the Congress's intention to disobey the Magistrate's order had brought there, it should have been clear to the local

authorities that *it would be all but impossible to discriminate between holiday-makers and pilgrims on the one hand and an organized political gathering on the other and to enforce any prohibitory order on the latter without coming into collision with the former.*"

27. As we have pointed out already, the religious portion of the annual festivities began on the 8th April, and concluded on the 17th April, and even the cattle fair came to a close on the 21st, that is, four clear days prior to the disturbances. We do not think that even Mr. Raju ever seriously contended that the crowd which had collected at Viduraswatha on the 25th consisted mainly of pilgrims. On the other hand, the evidence before us is that all the pilgrims, cattle dealers, and tradesmen, who had come there specially for the annual *jatra*, had dispersed to their homes, and that the strength of the pilgrim population that day did not exceed thirty or forty, which is the normal figure of attendance of pilgrims at this sacred place. Not one of these pilgrims took any part in the meeting at the western grove. This conclusion derives further support from the circumstance that nearly all the dead and injured had nothing whatever to do with the devotional observances at Viduraswatha. The only exception to this statement is the schoolmaster Krishna Rao (Witness 74). In his case, the evidence is that he was watching the proceedings in the western grove from the top of the terrace of choultry No. 7, and that, after the firing started, he ran inside the choultry and was standing in the court-yard opposite the main entrance, when a bullet grazed his head and caused an injury. For the foregoing reasons, we find it impossible to hold that the crowd which participated in the disturbances at Viduraswatha was a crowd of pilgrims and holiday-makers.

2. Behaviour and conduct of the crowd.

28. The evidence of the witnesses examined by Mr. Raju is that the processions which arrived at the western grove just before the commencement of the proceedings, did not utter any objectionable slogans, and that the crowd in the grove conducted themselves in a peaceful and non-violent manner till they were provoked by a vigorous lathi-charge. On the other hand, the official version is that the processions from the Goribidnur and the Ramapur side came shouting, in chorus, such

slogans as: "Down with Government repression!", "Fie on the Mysore Government!", "Trample 39!" (Section 39 of the Mysore Police Act), "Break 144!" (Section 144, Cr. P. C.), "Don't pay assessment!". We have, however, the evidence of the Sub-Division Officer that the Goribidnur procession was shouting only unobjectionable slogans like "Bharatha-matha-ki-jai!", "Mysore Maharaja-ki-jai". Some of the non-official witnesses examined by Mr. Ramaswamy have stated before us that the crowd indulged in slogans like "Down with repression!", "Fie!", and "Jai!". A perusal of Chapter VI will show what kind of political speeches the village people had been treated to by the Congress speakers during the preceding six months, and in the state of mind to which they had been worked up, it is not improbable that the crowd did indulge in the slogans attributed to them by the witnesses examined on the official side. It is also in evidence that before the arrival of the processions, the officers went to the grove with the lathi party and made an earnest attempt to disperse, by peaceful means, the crowd which had already collected there. The fact that they did not succeed indicates clearly that the crowd was in no mood to yield to persuasion.

(29) There is considerable evidence that after the proceedings commenced, the crowd became very defiant and unruly, especially subsequent to Mr. Ramachar's departure. All the official witnesses have deposed that the crowd jeered at them and made contemptuous references to Government. They were pushed off the platform and were jostled from side to side. They were caught in the thick and rush of the crowd and experienced considerable difficulty in extricating themselves from their midst. This version finds good support in the evidence of the non-official witnesses examined by the Government Counsel. Doddasubbarayappa, a landholder of Nandiganahalli (Witness 37), says that after the Congress members went away, the people "increased insulting and rushing on the officers;" they pushed aside the officers and told them that they themselves should clear out; the officers were struggling in the crowd; throwing of stones commenced; then the lathis were used. Muddiah Setty (Witness 38), a merchant of Viduraswatha, has deposed that the people began to fall upon the officers, abusing them; the officers appealed to the crowd with folded hands; the people knocked off the hat of the District Superintendent of Police; one of the constables was

snatched into the crowd and assaulted; when the officers came out of the grove, the crowd rushed towards them and the people in the rear bagan to throw stones; then the lathis were used. Venkatarama Gowda (Witness 39) has stated that when the officers appealed to the crowd with folded hands, the crowd rushed at them and abused them; when the officers tried to go towards the police, the crowd also rushed to that side; the crowd enveloped them on all sides. The evidence of Patel Sreenivasa Rao (Witness 65) is that the crowd became restless and unruly, and rushed towards the platform and abused the officials. Narayanappa, Panchayat Chairman of Gangasandra (Witness 72), says that when the officers asked the people to go away, the latter retorted: "This is not your father's place!"; the rush of the people increased; the people pushed the officers down. Gangiah (Witness 73), an agriculturist of Gangasandra, has deposed that the people began to abuse the Government; pushing by the crowd increased; the officers advised the people for about half an hour; the people pushed the officers down; there was too much of rushing and pushing; the officers appealed to the crowd with folded hands.

30. All the official witnesses have stated in their oral evidence that there was stone-throwing even before the lathi charge, but some of them admit that it was desultory. Mr. Raju contended that the stone-throwing began only after the lathi charge. The communique issued by the Government on April 28th (Exhibit 335) does not mention any stone-throwing before the lathi push but says that the crowd behaved riotously. Similar remarks apply to the *mahazar* (Exhibit 51), which is the first official document, and the two reports of the Sub-Division Officer and the District Superintendent of Police (Exhibits 87 and 95) submitted to Government. According to the official evidence, one constable, Ramaswami Raju, was injured in the eye-brow before the lathi charge and a few more who went to make way for the officers were assaulted by the crowd. Ramaswami Raju (Witness 12), however, says that he received the injury while pushing the crowd back with his lathi, which means, before the lathi charge. On a careful consideration of all the material before us, it seems to us that before the lathi charge was delivered, the crowd, though defiant, was not violent. It is not unlikely that a few among the mischievous element in the crowd indulged in stone-throwing. Such pelting of stones, however, must

have been only occasional, and not so severe or persistent as to raise, at that stage, an apprehension in the minds of the officers that the crowd was about to make an attack on them.

31. We have stated above our conclusion regarding the behaviour of the crowd prior to the lathi charge. Before proceeding further, it is necessary to mention that after Mr. Ramachar's departure, when the officers were pushed off the platform and came out of the crowd, the Sub-Division Officer sent word to the District Magistrate through the Amildar that the situation was getting out of hand. The Amildar came back with instructions that some more time might be given to the crowd to disperse, and this was accordingly done. In the meanwhile, the officers who attempted to go to the platform with a view to make a final appeal were soon caught up in the rush and thick of the crowd. The constables who helped them to make way through the crowd were roughly handled. It was felt that the situation was becoming critical, and the District Superintendent of Police got the rifle party to the grove and had them stationed at a convenient point not far from the lane. The Sub-Division Officer observed the mouth of the lane filling up and he feared that their retreat might be cut off. Stray stones were falling and the officers thought that there was no time to be lost.

32. Faced with this situation, the Sub-Division Officer asked the District Superintendent of Police to instruct the lathi party to push back the crowd with their lathis towards the river-bed, the object being to draw away the people crowding near the mouth of the lane, so that the official party might escape to the comparative safety of the quadrangle. But the very first push with lathis was the signal for the bursting forth of mob violence. Stones, brickbats, cocoanut shells, old shoes and other missiles were showered on the official party. The lathi men found it impossible to stem the on-rush of the mob by mere lathi push, and therefore, had recourse to a regular lathi charge. This still more infuriated the mob, and the latter, in its turn, assumed a highly menacing attitude and made a determined advance against the official party in the wake of a fusillade of stones and brickbats. The lathi men were soon overwhelmed and isolated. The District Superintendent of Police got them whistled back and they took up their position behind the rifle party along with the officers. While running

back, the Sub-Division Officer tripped and fell down. He got up and joined the official party. Many constables had been injured and some of the officers also had received stone-hits. The officers became apprehensive of danger to their lives by a continuous hail of stones and brickbats, and firing was therefore resorted to. The whole official party retreated under cover of the fire through the mouth of the lane into the quadrangle, until they reached the margosa platform (Point 11).

33. The above narrative of the behaviour of the crowd till the fire was opened, is borne out by the evidence not only of official witnesses but also of Mr. Syed Hussain (Witness 52) and Mr. Yusof Khan (Witness 54) and other non-official witnesses referred to in Para 29. This topic will also be considered in another connection.

34. In this connection, it is convenient to refer to another point, *viz.*, whether stones and brickbats were available at or near the scene of disturbance. The Sub-Division Officer says that on the 18th April, in connection with the prize distribution ceremony, the grove had been well swept and cleaned and that he was surprised at the fusillade of stones which followed in the wake of lathi push. His surmise was that the mob must have come to the meeting, hiding stones in their *dupti*. The evidence of the Amildar is that a cement tank was being constructed by the side of the temple just before the *jatra*, and that plenty of stones were lying about there. According to the District Superintendent of Police, stones were available near the water tank and the car-shed. The Inspector has told us that a lot of missiles was available inside the temple compound where the foundation of a building was under construction. Narasappa (Witness 63) has deposed that the mob picked up stones from inside the temple where some work was in progress and also removed brickbats from the platform in the grove. On May 26 and June 25 the members of the Committee saw plenty of stones and brickbats in the places referred to by these witnesses and also found the bed of the river strewn with missiles of every description.

3. Was Mr. Ramachar sent away by a ruse?

35. The next contentious point we propose to consider is the accusation against the officials that they went to

Viduraswatha with a determination to teach a lesson to the villagers for siding with the Congress and that, with this end in view, they sent away the leader—Mr. Ramachar—with a false assurance that they too would soon withdraw from the grove leaving the crowd to their own devices, and then indulged in an orgy of beating them up and shooting them down. In support of this contention, Mr. Raju argued that the officials took no precautionary measures to prevent the assemblage of a huge gathering at Viduraswatha, that on sighting the processions they withdrew the police cordon drawn up round the grove, with the object of entrapping the entire crowd therein, and that they deliberately refrained from dispersing the procession soon after it left Goribidnur with the sinister motive of giving them, in the words of Mr. Raju, "a hot reception," on its arrival at Viduraswatha. The reply of the officers to these arguments is that the prohibited area was over twelve square miles in extent, that it was a physical impossibility to prevent the infiltration of the people who were flocking from all directions, through its extensive boundary; that it was not practicable to maintain an effective cordon round the grove with the small police force they had at their disposal. They also point out that they had no power under the law to hold up, or disperse, the procession near Goribidnur which was outside the prohibited area. To our mind, this explanation offers a convincing answer to the arguments advanced by Mr. Raju.

36. Mr. Raju relies on the evidence of Mr. Ramachar (Witness 116), Mr. Venkataswami Gowda (Witness 118) and Mr. Rama Rao (Witness 124) to prove the accusation that the officers made a promise to Mr. Ramachar which they never intended to keep. The officials deny the presence of Mr. Venkataswami Gowda at the western grove, and we may point out, in this connection, that though he was the President of the local Congress Committee, he did not choose to give evidence before the Congress Enquiry Committee. As regards Messrs. Ramachar and Rama Rao, we wish to draw attention to their previous statements appearing in "the Navajeevana" of April 26 (*Vide* Exhibits 391 and 163). We give below in parallel columns their evidence before us and the statements which they made soon after the disturbances:—

Present deposition.	*Former statement.*
Mr. Ramachar Witness 116.	Exhibit 391.
"While I was thus addressing the audience the Sub-Division Officer Mr. Shamanna, the Amildar and the Police Inspector, came there, and the Sub-Division Officer told me that if the Congress leaders left the place, the officers also would leave the spot with the constables, and the people also would follow."	"At this stage, the Government officers came forward and told us that if all the Congress leaders left the place the crowd would disperse of its own accord, and assured us that they would also withdraw gradually. After they gave that assurance, I was going out with some Congress workers."
Mr. S. Rama Rao (Witness 124.)	(Exhibit 163.)
"The Sub-Division Officer and the Amildar said that if Mr. Ramachar left with his people, the officers would leave the spot with the constables, and the people also would go away."	"The officers intervened in the middle and told the Congress leaders that if they were to leave the meeting place and go away, the people would disperse of their own accord. The officers assured (Mr. Ramachar) that, afterwards, they would retreat gradually."

The version given in the second column makes the attitude of the officers perfectly intelligible to us. After the leaders left, the crowd was also expected to disperse, and only after that expectation was fulfilled, the officers promised to withdraw. It follows from this that if the expectation was not fulfilled the officers were under no obligation to leave the spot.

37. The previous statements quoted above are in consonance with the evidence of the officers and the depositions of the other witnesses examined by Mr. Raju. The Sub-Division Officer in the course of his evidence has deposed that he addressed Mr. Ramachar thus: "Mr. Ramachar, one thing strikes me. You are an accredited leader. If you yourself go away, I think, most of them will follow." In his report submitted to Government on April 26 (Exhibit 87) he wrote: "Seeing this, I asked Mr. Ramachar to persuade the crowd to follow him and asked him to cross

the river with them . . . He went away at last, but very few people went with him." Ramalingam (Witness 126), called by Mr. Raju, has stated that the officers requested Mr. Ramachar to go away with his followers, and said that if he did so, all the gathering would disperse. Veerabhadriah (Witness 138), another witness examined by Mr. Raju, deposed that the officers said: "You leave this place with the Congressmen. We will send the rest. If you go, they too go." It appears to us preposterous to suggest that the officers who evinced so much anxiety to disperse the crowd by every peaceful method they could think of and who, according to the admission made by some of the witnesses called by Mr. Raju, *entreated* Mr. Ramachar and the crowd to stop further disobedience of the order, got rid of Mr. Ramachar by a trick with the diabolical intention of giving the crowd a foretaste of the frightfulness of which they were capable. It is a matter for deep regret that even the leaders of the Congress like Mr. H. C. Dasappa and Mr. Chengalaraya Reddy interpreted the action of the officers in the same light as Mr. Raju.

4. Who gave orders to open fire?

38. The next question for consideration is, who gave orders for opening the fire in the morning. Since, on this question, there is unfortunately some difference of opinion among the members of the Committee, two of them holding that the Sub-Division Officer did so, while the other is of opinion that the police did it of their own accord, separate notes embodying their respective views are appended to this report.

5. Whether revolvers were used in the morning firing.

39. We now propose to discuss the allegation that revolvers were used during the morning firing. Really, the question is not of intrinsic importance in this enquiry (unless the statement of Mr. S. Rama Rao before us and in his article to "the Navajeevana" that the District Superintendent of Police started the firing with his revolver, can be held to lend colour to the view that the firing in the western grove was opened without the orders of a magistrate); for, if it is conceded that the rifle party were entitled to shoot in self-defence, the officers were equally justified in defending themselves with their revolvers. The question, however, merits some discussion as it has now become a subject of controversy.

40. Mr. Raju's case is that the District Superintendent of Police, the Amildar and the Inspector shot with their revolvers, in consequence of which, Aswathanarayana Setty of Goribidnur was hit in front of the sacred enclosure, and S. Lakshmiah died in one of the booths, and Idugur Bhima and Maralur Hanumantha, in the western grove. On the official side, it is admitted that both the District Superintendent of Police and the Inspector had carried their revolvers, but the former never took it out of the holster while the latter held it in his hand but never used it. As for the Amildar, he denies having used the revolver that day. In fact, he does not own a revolver and says that he has never handled one in his life. We will just recapitulate the evidence on which Mr. Raju relies. Venkatappa of Goribidnur (Witness 123) and Ramalingam (Witness 126), a Vaisya of Hindupur, say that they saw the Amildar shooting down Aswathanarayana Setty with a revolver, the suggestion, obviously, being that there was personal enmity between the Amildar and the deceased. Venkatasamiah (Witness 117), the father of the deceased, however, admits that there was no ill-will between his son and any of the officers. He says that Venkatappa (Witness 123) and Sreenivasiah who gave him an account of his son's death, also made a statement before the Inquest Officer (Witness 20) to the effect that the Amildar had killed Aswathanarayana Setty with his revolver. But the Inquest Officer denies that these people made any such statement before him. Venkatasamiah also says that, at the inquest, he insisted that his son's body should be subjected to a post-mortem examination. No question was put to the Inquest Officer on this point, and Venkatasamiah who was himself a *panchayatdar* at the inquest has not made a note to that effect in the inquest report (Exhibit 74) which he has signed. Turning now to the evidence regarding the other deaths, the only witness who definitely asserts that he saw Hanumantha and Bhima being hit by revolver shots is Brahmarayappa (Witness 114) of Ramapura, but he does not know which officer or officers shot them. The other witnesses who speak to revolver-shooting are Parswanathiah (Witness 80) and Rama Rao (Witness 124). The former says that the officers used their revolvers only after they retreated to the quadrangle and took their stand on the platform (No. 11) behind the rifle party, while the latter has deposed that the District Superintendent of Police started the firing in the western grove by shooting down a man,

and that this was immediately followed by the Amildar and the Inspector opening fire with their revolvers. We may point out in this connection that the account this witness has given in the "Navajeevana" (*vide* Exhibit 163) is that the Amildar fired with a gun. We may also refer to the Sub-Assistant Surgeon of Chowlur (Witness 36) who was rash enough to depose before us that from the mere clinical appearance of the wounds on the person of Hanumantha he was able to conclude that they must have been caused by revolver shots—a position which he found impossible to maintain in cross-examination. This does not mean that we deny the possibility of Idagur Bhima and Maralur Hanumantha having been hit by revolver shots. All that we wish to say is that this question could have been conclusively established only by post-mortem examination which, we regret, was not made in these cases.

6. Was there suppression of a Government Communique?

41. The last question we propose to examine in this chapter is the contention of Mr. Raju that the Government had a communique printed and ready for issue on the 27th April which they suppressed. Exhibit 141 is a copy of the "Hindu" of April 27th. It contains the substance of an interview with the District Magistrate. The correspondent's letter is also dated 27th April, and shows that the interview must have been on the preceding day. The District Magistrate admits that he granted an interview to the correspondent of the Associated Press, but makes a mistake in saying that it was on the 27th evening. According to the report of the interview appearing in the "Hindu" the District Magistrate was at Goribidnur till 4 P.M., and on hearing the incidents at Viduraswatha, he rushed to the spot. A similar account of the interview also appears in the "Madras Mail" of the same date. Referring to this topic, Mr. Raju asked the District Magistrate:—

> Mr. Raju.—I put it to you that your report on the 26th was on the lines mentioned therein.
>
> Witness.—No, certainly not.
>
> Mr. Raju.—Are you aware of the fact that on the 27th, the Government of Mysore had printed a communique?
>
> Witness.—Yes.

Mr. Raju.—But after receiving this (Exhibit 92) on the 27th, they did not issue it to the press?

Witness.—I am not aware.

42. With this as the foundation, Mr. Raju built up his argument that the District Magistrate had originally sent a report on the lines of the account of the interview appearing in the press with the intention of dissociating himself completely from the morning incidents at Viduraswatha, that he subseqently changed his mind and sent another report (Exhibit 92), and that the communique which had been framed on the lines of his previous report was therefore suppressed by Government. Mr. Raju also contended that the communique which was actually issued (Exhibit 335) by the Government was not made public till after the District Magistrate had an interview with the Dewan on the 28th April.

43. When an account of the above proceedings appeared in the press, the Chief Secretary to Government took the earliest opportunity of asking Mr. Ramaswamy to contradict the allegations made by Mr. Raju, which he characterised as unfounded. In his letter, the Chief Secretary wrote that the District Magistrate's report (Exhibit 92) itself was sent, on receipt, to the press for being issued as a communique, that soon after, the report of the Inspector-General of Police (Exhibit 140) also was received and similarly sent to the press, and that, when it was discovered that the two reports practically gave the same account and overlapped each other, it was considered desirable that another communique should be prepared reproducing the effect of both. The result was the communique (Exhibit 335) which was finally issued to the press.

44. We are satisfied that the suggestions and insinuations made by Mr. Raju are entirely without foundation. Only one report was sent by the District Magistrate, and that was on the 26th. That report is Exhibit 92, and it shows that the District Magistrate was at Viduraswatha from 10 A.M., till past 8 P.M. It is difficult to believe how, after sending this report on the 26th, the District Magistrate could have given the press correspondent to understand that he was at Goribidnur till 4 P.M., on the 25th. It seems to us that the press correspondent made a mistake in giving his own summary of the interview with the District Magistrate. Surely, the

Government were not interested in screening any officer, however high-placed he may be, and we are surprised that Mr. Raju, having acknowledged more than once that the Government placed at our disposal every document—confidential or otherwise—relevant to the enquiry, and afforded the Committee all facilities for sifting the truth, has thought it proper to accuse them of a deliberate act of suppression.

CHAPTER IV.

The Action of the Officials.

45. On the evidence in the case, it is abundantly plain that the crowd of ten thousand persons that assembled at Viduraswatha on the 25th of April were neither pilgrims nor holiday groups, as already pointed out. They undoubtedly had the intention of holding a meeting and hoisting flags in defiance of orders under Section 144 of the Code of Criminal Procedure, and the magistrate thought that in the circumstances he was justified according to law in declaring the assembly to be unlawful, and having so declared it, in commanding it to disperse under Section 127 of the Code of Criminal Procedure. The assembly conducted itself in such a manner as to show a determination not to disperse.

46. Assuming that the assembly was an unlawful assembly, or one likely to cause a disturbance of the public peace, which the officials were entitled to disperse, the question still arises whether they were bound to disperse it. This is, in our opinion, one of prudence, and depends on the circumstances of each case. If the force available is adequate for dispersing the assembly without resort to fire-arms there may be no objection for attempting the task. Otherwise, it would be foolhardy to do so, having regard to the disastrous consequences that might ensue. Any attempt to disperse a large crowd with a small number of constables might encourage the former, as ordinary human beings, to resist and retaliate, leading necessarily to the use of fire-arms by the officers in self-defence. To think of dispersing a crowd of over ten thousand persons with less than thirty constables was, we think, very imprudent.

47. It may not be technically illegal to do so but surely Section 128 does not require the police and other

officers to undertake such tasks. It only gives the discretion to the men on the spot to disperse unlawful assemblies by force. The word used is "may" and not "shall."

48. The officers were well aware that the whole crowd was seething with a spirit of defiance against the Government and its officers. There were processions in Goribidnur for five days after the 18th of April 1938. There were processions in defiance of the prohibitory order at Viduraswatha on the previous days, and arrests had been made. They anticipated trouble and had requisitioned an extra force of Reserve Police. The evidence of Mr. Basappa and Mr. Khaleel shows that for controlling a crowd of two or three thousand, a *posse* of fifty constables would be necessary. If so, to control a crowd of eight to ten thousand, a force of not less than 150 constables would be required.

49. Any attempt to deal with such an assembly with an inadequate force would naturally excite the crowd which would succumb to the temptation of making an attack on the police with disastrous consequences, and it is this blunder that has been committed in this case. The District Superintendent of Police who, as we have pointed out, well knew that the force at his command was wholly inadequate to deal with such a large crowd, should have realised this as responsible head of the police of the District, and should have advised the Sub-Division Officer, a civilian officer, in that matter.

50. In our opinion, Mr. Appaji Gowda is guilty of a grave dereliction of duty in the part he played on the 25th of April. He remained at a safe distance from the quadrangle, and detached himself from the rest of the officers. There was thus divided responsibility in the matter. The District Magistrate said he kept himself as a reserve. What he expected to do by holding himself in reserve, it is difficult to understand and he himself did not furnish any satisfactory explanation on the point. Mr. Appaji Gowda, the highest authority on the spot, kept back and sent the others to the grove with certain instructions to deal with the crowd. These officers were thus in a fix. They might have felt that they had to carry out the instructions of their superior officer and that they had no discretion in the matter at all. This apart, when the Amildar approached Mr. Appaji Gowda under the instructions of the Sub-Division Officer and explained

to him the critical situation that had developed, he should have at once proceeded to the spot and taken control of the situation. Far from doing so, he sent him back with vague instructions that some more time might be given to the crowd to disperse, without even mentioning what they had to do in case the crowd, which had by then become riotous and violent, refused to do so. These instructions might have led to the inference that the District Magistrate wanted the crowd to be dispersed at any cost. The District Magistrate thus placed the officers on the spot in a very difficult situation and deliberately avoided taking any responsibility in the matter. His statement before us that the Amildar did not report to him about the grave situation in the grove cannot, we think, be correct. It is not likely that the Amildar, who was expressly sent there by the Sub-Division Officer to mention to him the seriousness of the situation, would have omitted to report to him what was actually happening in the grove.

51. The Sub-Division Officer and the District Superintendent of Police who, as we have pointed out, were entrusted with the task of dealing with a huge crowd with a very inadequate force should have, when the crowd became defiant, lost no time in retreating from the grove into the quadrangle, in which case the further consequences might have been avoided. These officers do not seem to have acted in a wise and proper manner. They might have, as we have observed, felt that no discretion was left to them by the District Magistrate. It however appears to us that if the District Magistrate had also joined the other officers in the grove, he might have, in consultation with them, come to the conclusion that discretion was the better part of valour and might have avoided the disastrous firing on that occasion. The District Magistrate is, in our opinion, mainly responsible for this bungling on the part of the officers on the spot. It is no doubt easy to be wise after the event, but people in responsible positions are expected to conduct themselves properly in times of crisis. We make these remarks not because we think that the firing was not justified but because in our opinion there was an error from a tactical point of view.

52. Again, after the police retreated into the quadrangle under cover of fire, any further shooting, if it was necessary, should have been strictly directed only towards those directions from which the mob was advancing and stones were being thrown. The evidence is

conclusive to show that at that time (as opposed to the evening stone-throwing) there were no stones from the terrace or from the inside or the verandah of the old choultry (P. W. 87, Mr. Krishniah Chetty). If so, no shots should have been aimed in those directions. It is clear that at least one rifle was directed towards the eastern entrance of the choultry. This bullet crossed the threshold, passed into the court-yard and hit the school-master Mr. Krishna Rao (P. W. 74) who narrowly escaped death. This shot which might have ended more tragically was quite unnecessary. There is also evidence to show that one Chinnanna was hit on the verandah near the eastern window. This shot was also unnecessary. Mr. Appaji Gowda has also admitted that no stones were coming from the side of the choultry (No. 7) and that there was really no need for firing in that direction and that if there was firing in that direction, it was a sad mistake and a misfortune. He has also admitted that the killing of this man in the verandah was not only unnecessary but also unfortunate and unjustifiable. Mr. Khaleel tried to explain this by saying that, in the circumstances, the constables could not take a steady aim. After this statement of Mr. Khaleel and Mr. Appaji Gowda, there was a later attempt to show that Chinnanna did not fall on the verandah but at the eastern end of the lane. This was deposed to by Mr. Ali Aga (Witness 66). Mr. Ali Aga's evidence savours of an afterthought and cannot be accepted as correct. If so, the death of Chinnanna is another mistake due to bad or nervous aiming.

53. It was also contended that the prohibitory order (Exhibit 86) was totally uncalled for under the circumstances, and was improperly passed. The circumstances under which the order was passed appear from Exhibits 130, 130 (a), 131 and 144. On the first point, *i.e.*, whether the situation required such an order, we can only observe that this is not a matter on which we can be called upon to express an opinion. All proceedings aimed at the preservation of law and order and the prevention of anticipated disturbances are, in their nature, discretionary. The powers conferred on the Magistrates under Section 144 of the Criminal Procedure Code are of this nature. By their very nature they are urgent measures. It is easy to assert after the event that some orders were ill-conceived and erroneous and need not have been passed. The responsibility in the matter rests with the officers on the spot, and they must be allowed to exercise it according to

the best of their judgment. It is for this reason that these orders are, as held by the High Courts, not subject to revision except when there is total want of jurisdiction.

54. It has been stated before us by certain Congress leaders in the State that it is their creed and duty to defy all "unmoral" laws and to break them and bring suffering on themselves as a means of getting rid of the laws ultimately. Neither the leaders nor their followers have shown by their words or deeds that they grasped or adopted the principles of *satyagraha* advocated by Mahatma Gandhi. The leaders who induced ten thousand people to defy the order of the Magistrate (even on the assumption that it was invalid) and to bring upon themselves the consequences of the use of fire-arms, must be held responsible, in a large measure, for the lives that were lost at Viduraswatha.

55. To hold meetings after issuing handbills like Exhibit 47, when the minds of the ignorant and illiterate people of the locality had been inflamed, as will be pointed out later, by false and misleading statements, shows a reckless disregard to human life. The leaders who were responsible for such preachings kept behind, and exposed their followers to irreparable suffering by their lead. It is very significant that the office-bearers of the Congress Committee as also the prominent political leaders took no active part in disobeying the order on the 25th of April last, and it was only young and irresponsible boys that were nominated by the Congress Committee to defy the order. Mr. Venkataswami Gowda, the President of the Goribidnur Congress Committee, who was responsible for nominating these persons who had to defy the order, as also Mr. Ramachar, kept behind, putting forward these young men to court arrests. The explanation furnished by Mr. Venkataswami Gowda for not taking the lead in disobeying the order, namely, that he thought he would be arrested before proceeding to Viduraswatha and that therefore he did not put down his own name in the list of persons who had to defy the order that day, is very unsatisfactory and does not seem to us to be an honest explanation. Mr. Isthuri Sampangi Ramiah Setty, the Treasurer, who took an active part in organizing the defiance of the prohibitory order, never set his foot at Viduraswatha after the promulgation of that order. This conduct of these political leaders in making use of boys for their purpose is, we regret to say, very reprehensible. The fact that Mr. Ramachar and

Mr. Venkataswami Gowda did not even think of getting back to Viduraswatha after they learnt about the firing, to consider the situation, shows how unfit they are to lead the people who put faith in their leadership.

56. It was next urged that the prohibitory order under Section 144, Criminal Procedure Code, which was promulgated on the 18th, might have been dissolved after the 21st when the *jatra* was over, and that if this had been done, the Viduraswatha tragedy would not have happened. We cannot say that Mr. Raju's contention is not reasonable. It is because the order continued, that the defiant spirit in the people of the surrounding villages, excited by the handbills issued by the Goribidnur Congress Committee, promptly responded to this invitation to break the order. At one time, it was the view of the Amildar-Magistrate, Mr. Rajasekhara Voderu, that the order under Section 144, Criminal Procedure Code, might be dissolved on the 22nd of April as the *jatra* was over, and be it noted that the order itself had been promulgated because of the possible breach of the peace during the *jatra*. The District Magistrate had a consultation with the Amildar-Magistrate in the presence of the District Superintendent of Police and decided that the order should continue. The suggestion made by the Amildar, we think, was a sensible and reasonable one, and it is to be much regretted that Mr. Appaji Gowda did not accept this suggestion of the officer on the spot, who was himself practically the author of the order.

57. Another criticism made by Mr. Raju is that it did not show good tact on the part of the officials to ask Mr. Ramachar to go away. It is true that Mr. Ramachar, a prominent political worker in the Kolar District, has some influence over the people in that part of the country. There may be some force in this contention, but here again, it may be observed, that according to the evidence both before us and the Congress Enquiry Committee, he tried to persuade the mob to go away but without success. Though, admittedly, the crowd consisted of between 1,000 and 1,500 congress members, according to the evidence adduced by Mr. Ramaswamy, less than 100 followed him while, according to Mr. Raju, 600 to 700 went with him. Even so, a very large number of congressmen stopped behind, showing that Mr. Ramachar's presence in the grove may not have improved the situation in any appreciable way.

CHAPTER V.

Casualties.

58. In view of the exaggerated and varying versions given publicity to by the Congress leaders and the press in regard to the casualties, we feel it necessary to deal with this question in some detail. The public was naturally shocked at the statement made by some persons, who should have known better, that thirty-two were killed on that fateful day. The " Hindu " of April 28th says : " Mr. Ramachar added that, according to one Rudraradhya, when the crowd was rushing through a narrow space between the temple and the chattram, the police from inside the chattram fired through the chattram windows on the crowd which resulted in eight deaths on the spot and injuries to forty-eight who were admitted to the hospital at Chowlur in British India. Of these, twenty are reported to have succumbed later on, and four on the frontier, thus bringing the total number of deaths to thirty-two." The figure thirty-two was also mentioned in the issues of the " Madras Mail " of April 26 and 27. Mr. Raju repeatedly stated before us that he does not support the version quoted above. We advert to this point because the figure thirty-two has been mentioned in all the Indian Papers and even in the English Papers (*Vide* " News Review " of May 5). The " narrow space " mentioned above is the lane (No. 17)—*vide* Chapter II. Now it is established beyond doubt that the police never entered the choultry. Only two rooms abut the lane. One was locked on the 25th (Witnesses 74 and 87). The ventilator of the other has a wire-netting through which no rifle can pass and which shows no sign of any shot having been fired through it (Exhibits 212 and 213). The sill of the ventilator was more than 7 feet above the level of the ground outside, and 5½ feet above the level of the room inside. A shot fired through the ventilator cannot hit people in the lane.

59. The evidence of Mr. Venkataramiah, Sub-Assistant Surgeon of the Chowlur Hospital (Witness 36), and Exhibits 209 and 210 show that only six people were taken to the Chowlur hospital, of whom only two died—Sulagithi Narasappa before being admitted to the hospital on the 25th, and Maralur Hanumantha, the next morning. This evidence is practically conclusive on the matter. That was not challenged by Mr. Raju. There is also no

other evidence that four other persons died on the frontier. Thus, accepting Mr. Ramachar's statement that eight died on the spot, the total number of the dead would only be ten and not thirty-two. Mr. Rudraradhya (Witness 37) has deposed that what he told Mr. Ramachar about the wounded persons was not from personal knowledge, but from information given to him by one Mooganna who is alleged to have been injured by lathi charge. He has also stated that he did not mention to Mr. Ramachar about Mooganna but that he only said that he saw fumes issuing from the window, and that twenty of the wounded persons were in a dying condition. This was at Dodkurugod Railway Station at about 2 P.M. Mr. Ramachar admits that he did not know Mr. Rudraradhya before, and that it is impossible to fire through the ventilators of the choultry. Though he knew the locality well, he did not pause to think of this impossibility of shooting through the ventilators when he gave currency to this report. At 5-2 P.M., however, after going to Goribidnur he telegraphed to his elder brother, a pleader of Kolar, thus :

"Police firing. Twelve deaths. I am safe" (Exhibit 390).

Early on the morning of the 26th, he also wrote to the "Navajeevana" describing the occurrences on the 25th (Exhibit 391) in which he does not mention that there were thirty-two deaths but only refers to two persons killed by the lathi charge. That two persons died as a result of lathi charge is now conceded by Mr. Ramachar to be untrue. But he explains that they might have fallen unconscious, which might have been presumed or mistaken for deaths. On the 26th at Shivapur he gave the information to the correspondent of the "Hindu" as quoted above, that thirty-two died and that shots were fired through the ventilators. It will thus be seen that he did not refer to thirty-two deaths in his telegram to his brother and in his letter to the "Navajeevana", though in a later communication to the "Hindu" he made an explicit statement to that effect. His explanation is that he omitted to mention it in the earlier documents as it was hearsay but that he mentioned it to the correspondent of the "Hindu" as "it is only a report to the press," as if false reports to the press do not matter.

60. It would be fair to mention, at this stage, that Mr. Raju did not stand by this figure. He did not also make a definite statement as to the number of deaths. On May 23rd, Mr. Ramaswamy stated that there were only ten deaths, and on May 31st, he gave a list

containing the names of the dead and their descriptions of age, etc. When asked what the case for the other side was, Mr. Venkatapathiah said: "Twelve were found dead on the spot and two more later on. Eight more deaths we are able to trace, but we are still collecting certain further particulars about them." And when asked whether he was not sure of the number even then, he said "No." Mr. Raju, however, later handed in a list of nineteen persons which seems to be made up of the names in the lists that appeared in the "Hindu" and the "Madras Mail." When Mr. Raju's attention was drawn by the Chairman to the fact that one of the persons mentioned in the list, *viz.*, Ramiah, was still alive, Mr. Raju stated that the list was only informal and that he would produce the necessary particulars relating to his death 'in course of time.' Mr. Venkatapathiah then said that they were sure of fourteen deaths and when asked if they were the same fourteen mentioned in the "Hindu" and the "Mail", he stated: "Twelve cases have already been accounted for before us and two more have almost been proved." This was no answer to the question put to him. Again, when the Chairman remarked that he wanted definite information as early as possible, Mr. Raju said: "I may tell your Honours that we have been drawing up a list which will be undisputed. But we delayed submitting the final list for the reason that within three or four days we have come to know many more things than we knew even before." Mr. Venkatapathiah also stated, on that occasion, that he had a definite case, at any rate so far as fourteen was concerned, and that he was going to take it up further. Though asked again for a detailed statement of the fourteen about which Mr. Venkatapathiah was definite and though the latter asserted that he was ready to give it at the earliest possible moment, no such statement was filed, and Mr. Raju has not also filed any statement explaining either the number or the names of the dead. Again, it was suggested by the Chairman that Mr. Rama Rao, who was instructing the learned counsel for the other side and who was stated to have definite information on the point, might be examined to get some information on the subject. But Mr. Venkatapathiah objected on the ground that they were waiting for the orders of the Government with regard to the transfer of certain police officers. Mr. Ramaswamy, on the 1st of June, filed a memo giving fuller details of the dead and injured, and when Mr. Raju was asked whether he could give the names of the dead according to his case, he said:

" Our definiteness is our informant's definiteness. I ask Mr. Rama Rao to be himself definite and submit to your Honours. I also represented to him that it is the desire of the Committee to examine him at once if necessary, and told him that if he was not apprehensive, he could come and depose before this Committee and he said that he would consider the matter." After the above observations were made, a letter of Mr. Rama Rao refusing to give evidence because the local officers were harassing him was then read out. Mr. Ramaswamy, on the 10th of June, filed a final list, Exhibit 220. On the 20th of June, the Chairman again asked Mr. Venkatapathiah if he could give a list containing the names of the dead, and his reply was that they were not prepared to give it at that stage but that Mr. Rama Rao would give the details in the course of his evidence.

61. On July 14, Mr. Raju filed Exhibit 254 which is a list giving names of twenty-eight persons alleged to have been wounded by bullets and nineteen by lathis, but even on that day he did not give a list of the persons killed. Again, on August 1, in his opening address before leading his evidence, he made a speech stating his case and only referred to two women alleged to have been killed but said nothing about the other deaths. Mr. Rama Rao was examined on the 15th. Even then, he stated no definite case as to the number of deaths. On the 19th of August, however, Mr. Sripaliah (Witness 135), the Secretary of the Goribidnur Taluk Congress Committee, gave evidence that after his release he made enquiries about the number of deaths and learnt that twenty to thirty men and two to three women were killed by firing. When asked about the names of the dead persons he said he could give ten or twelve names, and gave the names of ten persons now admitted to have been killed by both sides as will appear lower down, and also mentioned the names of Gowramma and Kasim Sabi of Virupasandra. This, it will be noticed, is the first time when we have anything like a case about the dead on the side represented by Mr. Raju, and even this does not go beyond twelve.

62. As we have mentioned, varying accounts were mentioned as to the number of persons who were killed. On the 26th of April, the " Hindu " correspondent stated that he counted twelve dead on the spot, without giving their names. The " Madras Mail " and the " Navajeevana " of the 26th of April and the " Hindu " of the 27th gave a list containing the names of fourteen persons alleged to have

died as a result of the firing. The "Viswakarnataka" of the 28th gave sixteen names and the "Kumudvati," the Telugu Weekly of Hindupur, in its issue of the 29th, gave nine names. Some of the witnesses, in their evidence before the Congress Enquiry Committee, stated that there were thirteen deaths (the "Madras Mail" of the 5th and 6th). The "Viswakarnataka" mentions the name of one Prabhuveerabahu, which is not a usual name in these parts. No such death has been proved before us and Mr. Raju did not suggest the death of a person having that name, in his cross-examination of Mr. Chandrasekhariah (Witness 61) or at any other time. Omitting that name, we give a tabular statement* of the names of the dead, appearing in the five newspapers above referred to, for a proper understanding of the question in issue.

63. Serial No. 1 in the table is Aswathanarayana Setty. The second name is Aswathanarayana. The name Achappa Narayana appearing in the "Mail" seems to be a mis-spelling of the same name. It is not suggested that two Aswathanarayanas were killed. The first two names in the table, therefore, represent the same person and one of them, *viz.*, Serial No. 2, must be eliminated.

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* *Vide* page 37.

Table of Deaths in Viduraswatha Firing as reported in Newspapers.

Serial No.	"Navajeevana," dated 27th April 1938		"Viswakarnataka," dated 28th April 1938		The "Hindu," dated 26th April 1938 (Exhibit No. 141)		The "Madras Mail," dated 26th April 1938		"Kumudvati" of Hindupur, dated 29th April 1938 (Exhibit Nos. 94 and 223)	
	No.	Name	No.	Name	No.	Name	No.	Name	No	Name
1	2	N. C. Aswathanarayana Setty.	10	M. G. Aswathanarayana Setty.	1	N. C. Aswathanarayana Setty (25).	8	N. P. Aswathanarayana Chetty (25).	5	Aswathanarayana of Goribidnur.
2	7	Aswathanarayana Ayya.	7	Aswathanarayana ...	10	Aswathanarayana ...	5	Achappa Narayana Ayya	...	.....
3	8	Venkatagiriappa ...	11	Goribidnur Venkatagiriappa.	2	Venkatagiriappa ...	9	Venkatagiriappa ...	...	.....
4	6	S. Lakshmayya ...	4	Shivapur Lakshmayya.	12	S. Lakshmayya ...	3	S. Lakshmayya ...	6	Lakshminarayana Ayya
5	14	M. G. Narasappa ...	9	N. G. Narasappa ...	14	N. G. Narasappa ...	7	N. G. Narasappa ...	1	Narasappa of Gollahalli.
6	13	Chikthimmayya ...	8	Chikthimmayya ...	11	Chikkathimayya ...	6	P. Thillaya ...	2	A Boya of Badamarlur.
7	11	M. Hanumanthappa ...	14	Narasur Hanumanthayya.	...	.....	12	M. Hanumanthayya.	4	Kummara of Hampasamudram. (?)
8	9	Y. Bhimanna ...	12	Idagur Sajjan Bhimanna.	6	Y. Bhimanna (40) ...	10	Y. Bhima (40) ...	3	Washerman of Udugur.
9	12	Chowdappa * ...	15	K. Chowdappa ...	4	Chowdappa (30) ...	13	P. V. Chowdappa(30).	...	.....
10	10	Y. Ramayya * ...	13	Idagur Sagre Ramayya.	5	Y. Ramayya ...	11	Y. Ramayya ...	...	.....
11	5	H. Karianna * ...	3	Sadagur Karianna ...	8	K. Karianna ...	2	H. Karianna ...	...	.....
12	...	.....	6	Chelur Narasa ...	9	C. Narasu ...	...	.....	...	.....
13	3	C. Narasappa ...	5	Sagalur Narasappa ...	13	C. Narasappa ...	4	C. Narasappa ...	7	Narasappa †
14	4	B. Nallavenkataraya ...	2	Malla Venkatayya ...	7	K. Nalla Venkataraya	1	B. Nalla Venkataraya	8	Mallayya †
15	1	Gowramma ...	16	Gowramma ...	3	Gowramma ...	14	Gowramma ...	9	Gowramma †

* Mentioned as seen at the Hospital in the issue of 28th.

† Of Chowlur in Hindupur Taluk of Madras Presidency.

64. Serial Nos. 9—12 in the table represent persons wounded in the firing who are living :—

Item	Names	Hospital treatment	Remarks
9	Chowdappa ...	Chowlur (Exhibits 209, 210) Goribidnur and Kolar.	(Witnesses 36, 2) Exhibit 35, Wound Certificate.
10	Y. Ramayya ...	Do ...	(Witnesses 36, 2) shown to the Committee.
11	H. Karianna ...	Goribidnur, Kolar...	(Witness 2) Exhibit 36, Wound Certificate.
12	Chelur Narasa ...	(Exhibits 209, 210) Chowlur, Victoria Hospital, Bangalore.	(Witnesses 36 and 6.)

These four names must therefore be eliminated from the list.

65. The death of Serial Nos. 1, 3, 4, 5, 7 and 8 is conceded on both sides and it is enough to set forth in a tabular form the documentary evidence proving their death:—

Item	Name	Inquest report of witness 20 and connected evidence	Death Register	Remarks
1	Aswathanarayana Setty.	74 (At Goribidnur).	...	Said to have been shot by revolver (Ch. 3, S. VI).
3	Venkatagiriappa.	73	252 (d)-4 (Dodkurugod).	Omitted in the "Kumudvati."
4	S. Lakshmiah.	72	252 (c) (Kadirenahalli).	Same as Note 1.
5	Gollahalli Narasappa.	76 At Vidurswatha itself.	252 (d)-3 (Dodkurugod). 252 (h) (Ramachandrapur).	Described as a resident of Gollahalli.
7	Hanumanthappa.	Exhibits 48, 49, 100 (F. I. R.) 57, 113, 106—112.	...	No inquest on corpses.
8	Idugur or Yidugur Bheemanna.	100, 102—105	252 (d)-5 as Bheemappa.	

66. Coming to Serial No. 6, the name given in the first three newspapers is Chickthimmiah. In the "Madras Mail," we have the name of Thilliah. No such death has been proved before us. When the Circle Inspector of Hindupur (Witness 7) was examined, Mr. Raju suggested to him that one Chickthimmiah, son of Narasappa of Rolla, in Ananthapur District, was killed by firing, and he also mentioned the names of two persons of Nayanapalli and Agali, in the same district. The witness was requested to investigate into these matters and report. On the 8th of August, he again gave evidence and filed Exhibits 386 (Agali), 387 series (Rolla) and 388 (Nayanapalli). This evidence shows that the Nayanapalli man died of dysentery on April 29th, and the other two persons never existed in those villages, and we have no evidence that any Chickthimmiah or Thilliah was killed in the firing. Then, how did it happen that the four papers mentioned the name of Chickthimmiah or Thilliah? The explanation is furnished by the "Kumudvati," which, without giving any name, mentions that a Boya of Badamaralur also died. The Death Register of Badamaralur is Exhibit 252 (i). This exhibit and also 252 (h)-2 for Dodkurugod which covers a half of Viduraswatha, show that one Chinnanna was killed by "gunshot" in Viduraswatha "*galata.*" It is significant that Chinnanna is not mentioned in any of the papers. As Chikka is the same as Chinna in Telugu it is probable that Chinnanna or Chinniah was misheard as Thimmiah or Thillia. Serial No. 6 refers, therefore, to Chinnanna of Badamaralur. Thus, we get the following names of seven persons killed in the firing as derived from the four newspapers and proved by the evidence :—

(*All of Mysore State.*)

1.	N. Aswathanarayana Setty	....	Goribidnur.
2.	Venkatagiriappa	....	Do
3.	S. Lakshmiah	....	Gudibanda.
4.	M. G. Narasappa	....	Gollahalli.
5.	Chinnanna	....	Badamaralur.
6.	M. Hanumantha	....	Maralur.
7.	Y. Bhimanna	....	Idugur.

67. We have so far done with Serial Nos. 1 to 12 of the table and it remains for us to consider Nos. 13—15. In the "Kumudvati," these three are described as belonging to Chowlur, but let us examine the evidence about the deaths

in Chowlur, independently of newspaper information. The evidence of witnesses 4 (Sub-Inspector of Hindupur) and 70 (Circle Inspector of Hindupur) and Exhibit 48 and and the Chowlur Inquest Report (Exhibit 49) establish that three persons—Soolagithi Narasappa, Mallanna and Byanna—were killed in the firing. The latter two belong to Karedapalli, a hamlet of Chowlur. Now, turning to 252 (d), the Death Register of Dodkurugod, we find that two persons whose names were unknown but who are described as residents of Karedapalli, were killed in the firing. The Mysore official who made the entries in the Death Register did not know the names which were known to the Hindupur police officer who held the inquest under Exhibit 49. Let us now make a tabular statement of the information available with respect to these three items :—

	As proved by Exhibit 49	*As stated in the "Kumudvati"*	*As derived from four newspapers*
1.	C. Narasappa	C. Narasappa	C. Narasappa
2.	Nagamalliah	Malliah	Malla Venkataraya
3.	Byanna	Gowramma	Gowramma

68. The name of Malla Venkataraya is given as Nalla Venkataraya in three papers. There is evidence that a man by name Nalla Venkatappa, son of Nalla Venkataramanappa, was wounded by the lathi charge. There is absolutely no evidence that any person of the name of Nalla Venkataraya or Malla Venkataraya was killed by firing, and Mr. Raju has not also suggested the death of any such person. The witnesses speaking to the deaths of Chowlur residents (Witnesses 4, 70, 52 Mr. Syed Hussein and 54 Mr. Yusof Khan) are all agreed that three persons, and not four, of Chowlur, died. These three are Narasappa, Mallanna and Byanna. Nalla or Malla Venkataraya may have been mentioned by some papers by mistake as one of the dead though he had received injuries by lathi charge, or it may have been put that way, by mistake, in the place of Nagamalliah, admittedly among the persons shot at Viduraswatha—Malla being common to all these names.

Did a woman Gowramma die ?

69. Serial No. 15 in the list only remains now to be considered. This name was mentioned in all the five

newspapers and it is significant that the name of Byanna of Chowlur was not mentioned in any of them. The "Kumudvati" which is printed at Hindupur, quite close to Chowlur, mentions that Gowramma was of Chowlur. We shall now consider in some detail whether one woman by name Gowramma was killed as a result of firing at Viduraswatha or whether in the place of Byanna, by mistake, the name of Gowramma may not have been mentioned.

70. Mr. Ramaswamy's case on this question is that no woman was killed, and that the name Gowramma announced in the newspapers was a mistake. This argument is based on the fact that three deaths in Chowlur are established by the evidence, *viz.*, Narasappa, Mallanna and Byanna, and that the "Kumudvati" mentions the first two names correctly but mentions Gowramma but not Byanna.* (See also the evidence of Witness 52, Mr. Syed Hussein.) Mr. Raju's case may be stated thus: The Patel of Maralur (Witness 78) has a son, Venkatachaliah (Witness 113). The latter married in May 1935, Saraswathamma, a daughter of his maternal uncle Ananthaiya, a teacher in the Central Jail, Bellary. This girl had also a name Gowramma. She was brought to the husband's house in December 1937. She went to Viduraswatha on the 25th of April, and was killed there in the firing. The body was immediately removed to Maralur. Mr. Ramaswamy's reply is that Saraswathamma died of drowning on the 26th April, that the police held an inquest over her corpse on the same day and recorded the finding to that effect (*Vide* Exhibits 242 and 333), and this is confirmed by the Death Register of Maralur (Exhibit 252). So, the decision on this point depends on (i) whether the deceased Saraswathamma had a second name Gowramma, and (ii) whether she went to Viduraswatha on the 25th of April and was killed there by rifle firing.

71. Let us take up these points: Patel Seenappa deposed that his daughter-in-law had only one name Saraswathamma and that she fell into a well accidentally on April 26. Mr. Raju contends that he is interested, being a patel. A patel is a hereditary village servant and not strictly a Government official. We doubt if, in a matter of this gravity, Mr. Seenappa would have told a falsehood, so early as the 26th of April, to support the official version. On the other hand, we have reason

**Vide* Supplement by the Chairman (page 121).

to suppose that he was tampered with, subsequent to his examination. On the 3rd of August, he wrote a letter to the Committee saying that his son used to call his wife Gowramma also. But even then, he does not go so far as to say that she was killed by the firing. Parswanathiah (Witness 80), a friend of the family, knew Saraswathamma very well, and was one of the *panchayetdars* at the inquest. He sent a telegram on 26th of April to her husband who was employed at Channapatna: "Saraswathi Bai dangerous, start immediately" (Exhibit 383). He also wrote to the girl's father and her brothers. In his cross-examination, he disclosed that he was an eyewitness of the disturbances at Viduraswatha and did not see Saraswathamma in the crowd. His further answers on another point in cross-examination were such that Mr. Ramaswamy had to treat him as hostile and to cross-examine him. He cannot therefore be regarded as partial to the official version.

72. Pujari Venkappa (Witness 81) says he was in the temple enclosure during the relevant time and there was no death in it. Mr. Chandrasekhariah (Witness 61) says he made enquiries on seeing the statement in the papers, and got no information that any woman died. This is supported by several witnesses already referred to. He also says that there was no indication on the spot suggesting that a woman died while making '*pradakshina*.'

73. Mr. Pulliah, a teacher of Nandyal, has deposed that his wife was present there at the time of the disturbance and that he himself reached Viduraswatha by 4 P.M., and that she told him that she was not aware of the death of any woman. Mr. Krishniah Chetty who was there throughout has also stated that he did not hear of the death of any woman, and that it was only after two days that he read of such a death in the papers. Surely, if any woman had died, these persons would have heard of it.

74. The first witness called by Mr. Raju is Venkatachaliah (Witness 113), husband of Saraswathamma. In his chief-examination, he said:

"I was married to Saraswathamma on May 10, 1935. She used to be called also Gowramma."

His answers in cross-examination are as follows:—

A.—After she came to my house, she was named Gowramma.

Q.—The name Gowramma was given after she came to your house?

A.—Yes.

Q.—After she came to your house, a new second name was formally given to her?

A.—I was calling her by that name. Our grandmothers were called by the name Gowramma. It is usual to call some by that respected name.

Q.—So she never bore that name in her father's house?

A.—No.

Q.—So up to her coming to your house, she had no *alias* at all?

A.—In my personal letter I was writing as "Gowramma." In their house, they were not calling her as "Gowramma."

* * * *

Q.—When was this new name given to her? At the time of marriage, or after marriage, or when?

A.—After she came over to my house.

Q.—After consummation?

A.—At the time of marriage sometimes names are changed.

Q.—Was it in 1935 or 1937?

A.—(In English.) It was particularly in 1937. (These are witness's words.)

Q.—What is meant by 'particularly'?

A.—It was only in December 1937 that she came to our house."

The next day, he said:—

"*Q.*—You said yesterday, 'December 1937 particularly.' What do you mean by 'particularly'?

A.—Particularly in my village."

* * * *

"*Q.*—(Referring to his chief-examination): You say, she used to be called also as Gowramma. It means, at that time, she had the other name?

A.—I mean, after marriage.

Q.—You don't say, after marriage you named her Gowramma ?

A.—It is my own statement.

Q.—Do you say it is a mistake ?

A.—It is not proper composition.

Mr. S. Venkatapathiah.—He says: "It is my own statement and it is my own English." So, his composition and language may not be viewed with a mathematician's or a logician's accuracy.

Chairman.—Please sit down. Don't interfere.

Mr. S. Venkatapathiah.—I have got a right to interfere.

Chairman:—We know he is not an expert in English.

Mr. S. Venkatapathiah.—You ask me to sit down. I refuse to sit down . . . . . "

75. In spite of this interruption, the witness went on with his deposition as before without any complaint. He gave prevaricating answers and gave different versions as to when his wife began to be called Gowramma. The fact remains that, whatever the oral evidence may be, there is no writing whatever, not even a book or a letter, showing that she was ever called "Gowramma." Again, he admits in his evidence that he saw a paper saying that Gowramma belonged to Chowlur but did not care to contradict it, because he was indifferent. His name is not in the list of 430 witnesses filed by Mr. Raju.

76. Mr. Raju in his argument on September 9, said, with reference to the answer of the witness: "It is not proper composition", that if the examination had been allowed to go on in Kannada, he would have given a better answer. What better explanation the witness could have given, Mr. Raju did not suggest though asked to do so.

77. Here a few words may be said with reference to an allegation that was made at the time that the witness was compelled to answer in English. He has passed the School Final Examination and gave his chief-examination statement in English. Though the questions were generally put to him in Kannada, his answers were mostly in English and rarely in Kannada. So the Chairman suggested that the questions might be put in English and

he might continue to answer in English. At this stage, Mr. Raju said: "Speak in Kannada, if you don't know English very well."

Chairman.—"He knows English very well, let him go on in English."

It is after this that his answer: "It is not proper composition" was given. After a few answers in English, he finally reverted to the original method of answering as he liked, without any objection. The allegation made, it will thus be seen, is altogether baseless.

78. Another point is that Government has paid compensation to everybody injured in the incident. Witness 113, who is a young man and who may very soon marry another wife—which means expense—admits that he never applied to Government for compensation.

79. The Congress Enquiry Committee visited Maralur on the 5th May (*vide* the "Madras Mail" of May 6). Now, Witness 113 admits that having come to Maralur on April 27 in connection with his wife's death he remained there till May 20. Now, he gives the amazing evidence that he never heard of the Congress Enquiry Committee, that they did not examine him and that he did not give evidence. If it was the case of the people of Maralur that this Saraswathamma was the Gowramma mentioned in the papers, that evidence would have been forthcoming before that Committee. The witness also admits that he read the evidence before the Congress Enquiry Committee in the papers and that it contained no reference to Gowramma. But still, he maintained silence.

80. There is another circumstance that shows that Venkatachaliah's evidence is false. His father-in-law, Mr. Ananthiah, he admits, came to Maralur after being informed that his daughter was dead. When the witness was asked whether he mentioned to his father-in-law that Saraswathamma died as a result of gunshot injury but that it was made out to be a case of drowning, he said that his father-in-law knew of it and that he himself mentioned it to the witness. But, Mr. Ananthiah's statement altogether contradicts him. Mr. Ananthiah has not given evidence before us, but he wrote two letters—one to Mr. Raju which was produced by him (Exhibit 384) and another to the Secretary of the Committee (Exhibit 432). In the first place, in these two letters, Mr. Ananthiah does not say that Saraswathamma was also called Gowramma. In Exhibit 384 produced by Mr. Raju, he says

that, on receipt of the information of the death of his daughter, he went to Maralur on the 29th and enquired about the cause of her death but that he was not able to get "any clue from anybody." Mr. Ananthiah perhaps suspected it was a case of suicide and not accidental drowning as made out by Seenappa. This letter, however, contradicts entirely Venkatachaliah's version according to which his father-in-law knew that Saraswathamma died as a result of gunshot injury. When he was confronted during his examination by the above statement of his father-in-law, contained in Exhibit 384, he only said: "I do not know why he has written so, and what his meaning might be", and this, though there was absolutely no ambiguity in it. It will be remembered that the allegation was that Gowramma who was *enciente* was shot dead in the temple enclosure. Mr. Ananthiah says that his daughter joined her husband only about three months before her death, and Venkatachaliah himself has not stated that there was even a suspicion that his wife was pregnant at the time of her death.

81. We will now consider the evidence of other witnesses cited by Mr. Raju on this point.

Witness 114 is one Brahmarayappa of Ramapur. He says that after the firing ceased, he went near the wall of the temple, where he saw a young woman lying on the ground with gunshot wounds on the right leg and hand. She was a stranger to him, but he learnt from enquiry that she was the daughter-in-law of Patel Seenappa. He never gave this information to any one till he was examined before this Committee. He knew that the Congress Enquiry Committee visited his village. But he did not appear before it to give his evidence, the excuse being that he was absent from Ramapur at the time. He seems to be a man of straw, and we are not disposed to attach any weight to his evidence.

82. Witness 120 is the cart-driver Vasantiah of Maralur who is supposed to have taken the young woman Saraswathamma and her younger sister-in-law Lakshamma, without any male escort, to Viduraswatha. He admits that the Congress people had come to his village, but he did not go to see them, nor did he tell the incident to any one else.

83. Witness 122 is Gangiah, a cultivator of Goribidnur, who had kept a stall at Viduraswatha during the *jatra*. He says that he saw a woman lying wounded with a gunshot in the temple compound. He has not

mentioned her name in his proof of evidence, where he describes her as a perfect stranger to him. In cross-examination, he gave out her name as Lakshamma. But when the Government Counsel put him a further question: "Was it Lakshamma?", his reply was: "I think, it is Gowramma." That he was an eye-witness to the incident and knew these facts, he never mentioned to anyone till eight days prior to his giving evidence before the Committee when he is supposed to have narrated the incidents to Witness 117, Venkataswami Setty. The Congress Committee started its enquiry at Goribidnur on the 3rd May. But this witness neither heard of it nor appeared before it.

84. Witness 126, Ramalingam, is a Vaisya of Hindupur. His evidence is that after Aswathanarayana Setty was shot, he, the witness, ran to the Choultry on the other side of the river, and there heard that a woman had been killed.

85. Witness 130, Dodmalliah, is the Village Panchayat Chairman of Hampasandra. He says that the corpse of a woman by name Gowramma was removed. He did not know her. He heard people saying that Gowramma was dead and had been taken away. He is stated to have given evidence before the Congress Enquiry Committee. But that evidence has not been produced before us.

86. Witness 136 is Mr. Kallur Subba Rao of Hindupur. He says that on May 1, he heard of the death of a Brahmin woman of Maralur. By that time, everybody had heard from the newspapers about the death of a woman by name Gowramma, who according to the "Kumudvati" of April 29, belonged to Chowlur. It is, therefore, curious that this witness came to know of her caste and village but not her name. He admits that he was moving about with the Congress Enquiry Committee, but he did not choose to give his evidence before it. We find it, therefore, difficult to believe this witness. The total absence of evidence regarding the death of a woman of Maralur in the proceedings of that Committee, so far as it appears in the papers, suggests that the construction of the story put before us had not yet been started.

87. Witness 36 is the Sub-Assistant Surgeon in charge of the Village Dispensary at Chowlur. In cross-examination, he stated that while he was operating on Hanumantha the latter told him that a woman by name Gowramma was also shot that day and that she fell by his side. When further questioned, he admitted that Hanumantha did not mention the name of the woman to him,

and yet, he was positive that the woman was not a native of Chowlur. Though he knew the importance of the information imparted to him by Hanumantha, he failed to record it, nor did he give this information in his reply (Exhibit 57) to the letter (Exhibit 113) of the Special First Class Magistrate, Chikballapur, who made enquiries regarding the persons treated at the Chowlur Dispensary. Another opportunity was afforded to this witness when he was examined before the Congress Enquiry Committee. Even there, he does not refer to this incident, so far as we can gather from the evidence appearing in the "Madras Mail." Mr. Yusof Khan (Witness 54), who is a respectable witness of Chowlur, has given evidence to the effect that Hanumantha was in a thoroughly exhausted condition when he was taken to the Chowlur Dispensary, and that, beyond asking for water, he was unable to speak. We may point out in this connection, that the story which Witness 36 attributes to Hanumantha is contradicted by the other witnesses who have deposed to the effect that Saraswathamma fell inside the temple enclosure, and not by the side of Hanumantha who was in the western grove. Taking all these facts into consideration, we are unable to accept the version given by this witness (No. 36).

88. Here we may mention that on August 19, Mr. Raju requested the Committee to hold a sitting at Goribidnur in order to enable him to examine Lakshamma, daughter of Patel Seenappa, and a few other witnesses. We cannot understand what difficulty there was to bring Lakshamma to Bangalore to give evidence before the Committee. She was not injured at Viduraswatha, nor is it contended that she suffers from any physical disabilities which prevent her travelling to Bangalore. If she were unwilling to be examined in public, we were willing to record her evidence *in camera*. We do not believe that there is any truth in Mr. Raju's contention that his witnesses were afraid to come to Bangalore on account of police intimidation. We cannot help thinking that the object of Mr. Raju in making the request was simply to enable him to argue that he was denied an opportunity of examining this witness. We may also mention that her name is not in the long list of witnesses filed by him.

89. On the 26th of July, Mr. Raju produced a photo (Exhibit 334) and showed it to Witness 79 while under examination. The witness looked at the photograph and said "I cannot say as to who this woman is."

Mr. Raju's point then was that the photograph was that of the corpse of Saraswathamma taken after its removal to the Kanakamma Choultry on the other side of the river. This photograph was not shown to the father-in-law Seenappa or to Parswanathiah who knew Saraswathamma well. Witness 113, the husband of the girl, to whom the photograph was shown admitted that it was impossible to identify the face. Even the jewels on the corpse do not agree with the jewels which, according to him, Saraswathamma was ordinarily wearing. He purported to identify the surrounding scene with something within the Viduraswatha temple but not with the Kanakamma Choultry. But the most extraordinary thing about the photo is that it was never proved. The photographer was not called, so that, to this day, we do not know by whom, in what place and on what date it was taken. There is absolutely no evidence that Saraswathamma was removed to the other side of the river after she was shot. A cursory glance at the photo is sufficient to convince any one that it cannot be that of a young woman of seventeen. Further, this photograph contradicts the witnesses with regard to the injuries said to have been sustained by her. This instance serves as a strong illustration of the desperate attempts made to prove the death of "Gowramma". What is more important is that the attempt to identify Gowramma with Saraswathamma was started for the first time only on July 12, 1938 during the examination of Witness 66, Mr. Ali Aga.

90. From the foregoing discussion, our conclusion is that Saraswathamma had no *alias* Gowramma, that she did not go to Viduraswatha on the 25th and that she was not killed there during the police firing on that day.

91. Mr. Raju strongly attacked the version of the police that Saraswathamma died at Maralur as a result of drowning in the well. He pointed out certain discrepancies in the First Information Reports, the Station House Diary, and the Check Register, and argued that the police had manipulated the records. Witness 145, the present District Superintendent of Police, Kolar, whom Mr. Ramaswamy called to explain any apparent difficulties appearing in connection with these documents, furnished a satisfactory answer to the criticisms of Mr. Raju.

Were there other deaths?

92. It is contended by Mr. Raju that a man named Kasim Sabi was killed in the firing. The suggestion was

for the first time made by Mr. Rama Rao (Witness 124) in his evidence on the 15th of August. It was not put in cross-examination to Mr. Chandrasekhariah (Witness 61) who made a special investigation of the casualties. Mr. Rama Rao in his article to the "Navajeevana" (Exhibit 163) mentions that, of the persons killed, only two were known, *viz.*, Aswathanarayana Setty and Lakshmiah. He now says that he visited Viduraswatha on April 27, with Mr. Gundappa Gowda and others, that he met a C. I. D. Inspector of Bangalore City and another Inspector of Bangalore Cantonment and that the latter mentioned Kasim Sabi to him as one of the persons killed. He also says that he gave evidence before the Congress Enquiry Committee to this effect but the evidence, as set forth in the "Samyukta Karnataka" (Exhibit 397), does not mention this. He says that he noted the names in the diary which is not produced and that the slips of paper on the basis of which the entries were made were destroyed. But, assuming that somebody mentioned some name to him, it does not prove his death. The only other witness examined by Mr. Raju on this matter is Witness 141, S. Hanumanthappa, who was admittedly wounded in the firing, and who now says that a Mahomedan fell by his side. He does not know the name of the Mahomedan but he learnt subsequently that he belonged to Virupasandra and that he afterwards died. He admits that he never gave this information to anybody except to a few raiyats in his village and this, only a month after the incident. He admits he has been invited to give this evidence by Witness 135. On the other side, Mr. Ramaswamy has examined Nanjunda Gowda of Virupasandra (Witness 144) and Gopal (Witness 146). According to them one Fakru was employed in the Tobacco Barn at Hudugur and he was bitten by a snake in his hut in the tobacco field where he was working on the night of the 5th May and died before day-break. The report sent by the former is Exhibit 413. According to him, this Fakru Sabi had an *alias* Kasim Sabi. The other witness, Gopal, does not mention that he had an *alias* but that there is another Kasim Sabi who is still alive. Exhibit 414 is the Death Register of Virupasandra, showing that Fakru Sabi *alias* Kasim Sabi died on the 5th May. We do not see any reason to suspect this document. Finally, we may observe that no such name has been mentioned in the lists of casualties in the newspapers. We are of opinion that the case now put forward that

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Kasim Sabi of Virupasandra was killed, is an afterthought.

93. So far, we have discussed the names suggested as those of the persons said to havet been killed at the firing. But Mr. Raju argues tha there were other casualties. His first point is that a second Bhimanna of Idagur and a second Hanumantha of Maralur were killed by firing. This argument rests on two grounds: (1) Exhibit 448 is the Register of Compensation containing the names of the persons killed and wounded and the compensation paid by the Mysore Government. In this Register, on May 7, a Bhima aged eighteen, caste Vokkaliga, is mentioned. In another page, on May 18, and in Exhibit 252 (d), a Bhima aged thirty-five with two wives and of barber caste is mentioned. But there is no evidence that there was a second Bhima who was killed and each of the entries in the Compensation Register shows only one Bhima on each of the dates. (2) Mr. Appaji Gowda reported in Exhibit 164 dated 27th April, that two of the persons killed were Bhimanna and Hanumantha. But the patel sent afterwards the first information of these deaths on 15th May and 19th May (Exhibits 100 and 101). Then followed Mr. Ramachandra Rao's correspondence with Witness 36 (Exhibits 57 and 113) and his investigation. Mr. Raju argued that, if these deaths were known on April 27, Mr. Ramachandra Rao would not have pursued the matter any further. The Special First Class Magistrate who was in charge of the inquests and investigations, heard of these deaths only by Exhibits 100 and 101 and followed up his information by further enquiry into the matter. There is no evidence that two Bhimannas of Idagur and two Hanumanthas of Maralur died by the firing. The newspapers also did not mention two Hanumanthas and two Bhimannas, and we have no hesitation in finding that only one Bhimanna and one Hanumantha died.

94. Mr. Rama Rao says that on April 27 when he visited Viduraswatha, a C.I.D. Inspector of Bangalore City, who is obviously Witness 27, mentioned to him that the following five persons had been killed in the firing:—

1. Dasari Ramanna *alias* Ramiah.
2. Doddamaralur Narayana.
3. Venkataramana.
4. Pachappa.
5. Chikka Honnappanavara Ramanna.

No proof has been adduced that these persons were killed or even existed. Their names never appeared in the

papers. These names were not put to Witness 27 though available for cross-examination.

95. We next turn to the statement of Mr. Rama Rao (Witness 124) that he heard that corpses of two women were burnt that night in the bed of the river and that three other dead bodies were also buried there that night. This story was started for the first time so late as August 15, and was not put to any of the large number of witnesses examined by Mr. Ramaswamy. About the burial of corpses, we may say at once that there is no evidence whatsoever. As to the cremation, the story is that two bodies were cremated in the bed of the river by using two cart-loads of fuel. If that was a fact, it should have been within the knowledge of the people round about. It is significant, however, that no reference was made to this aspect of the case by any of the newspapers throughout, and even Mr. Rama Rao did not make any reference to it in his letters that appeared in the Press. This was not mentioned even in the written statement of his evidence which he filed before us. Mr. Raju, however, also relies on the evidence of Witness 128 and Witnesses Nos. 140 and 87. The evidence of Witness No. 140, a trader of Ramapura, is that he saw a flame in the midnight on the other side of the river. His evidence is worthless and needs no consideration. Witness 128 was on the temporary establishment in the Electric Department at Goribidnur and his services were dispensed with from the 1st of August. He is contradicted by his master Mariappa (Witness 143). Mr. Penn spent the whole night at Viduraswatha, and he had posted his Reserve Police Constables all over that area, and he has stated that he was patrolling the area the whole night. It is very significant that no question was put to him in cross-examination about the burning of bodies that night. When examined at a later stage, he stated that no such thing took place that night as alleged. Further, the cremation started at 12 o'clock and lasted till the early hours of the morning, and Mr. Ramachandra Rao (Witness 20), Special First Class Magistrate of Chikballapur, was not asked a word about it though he was on the spot till 1 o'clock in connection with the inquest he was holding that night. Mr. Rama Rao's version now put forward is, on the face of it, absurd and is not, in our opinion, entitled to any consideration.

96. Mr. Raju's argument with reference to the inquest evidenced by Exhibit 76—that it represents two dead bodies—does not deserve any serious notice. His first

suggestion that there were two Narasappas because there were two Death Registers (Exhibits 252 (d) of Dodkurugod and 252 (h) of Ramachandrapur) was abandoned by him when it was proved that the two villages Gollahalli and Ramachandrapur were amalgamated into one village. His argument that the inquest covers two corpses was repeated in another form. But this also does not deserve any serious notice. When the identity of the deceased was not known the corpse was entrusted to Patel Srinivasa Rao, but when next morning the identity became known, it was entrusted to the son of the deceased, *viz.*, Narasimha Murthy, and no argument in favour of two deaths can be based upon this.

97. Mr. Raju in the course of his argument put the question: Whose were the dead bodies heard of by Mr. K. V. Anantaraman, Revenue Commissioner (Witness 112), and also, whose were the corpses mentioned by Madhuraswami Pillai (Witness 7)? As to the first question, one of the bodies must have been certainly that of Aswathanarayana Setty who died on the way to Goribidnur (Exhibit 163). The other body was not that of a deceased person but must have been that of Narasa (Witness 22), son of Gundappa of Kudurebyala, who must have passed through Goribidnur in being taken to Hosur. He was so seriously wounded that Dr. Nagendran told us at one time that he was not progressing well. The third death about which Mr. Anantaraman heard later on, was that of Idagur Bhimanna. A careful reading of Madhuraswami Pillai's evidence shows that he refers to the four bodies on which the inquest was held that night.

Were there twelve dead bodies on the spot on the 25th?

98. In his communication to the "Hindu" of April 26, the Hindupur correspondent (Mr. Venkanna) says: "I myself counted twelve dead." He does not mention the time when he did this. Though he was one of the 430 persons in the list of witnesses filed by Mr. Raju, the latter did not choose to examine him. There is nothing to show that he went near each person and verified the fact of his death. It is not unlikely that he committed the same error as the correspondents of the four newspapers in mistaking the severely wounded for dead persons, having seen them from a distance. Taking advantage of this mistake Mr. Rama Rao now deposes that he followed Mr. Venkanna at 2 P.M., counted twelve dead on the

ground and verified the fact of death. This fact was not mentioned in his letter to the "Navajeevana" (Exhibit 163) or in his evidence before the Congress Enquiry Committee as given in the "Samyukta Karnataka" (Exhibit 397). We cannot therefore accept his present story, though it may be that on April 25 he honestly believed that twelve died, relying on the information of Mr. Venkanna, and sent his telegrams—Exhibits 393, 394 and 395.

99. Thus, our final conclusion in regard to the deaths is that only ten were killed by firing and no more.

100. The wounded in the case need no discussion. Mr. Ramaswamy filed Exhibit 221 showing fifteen injured by firing, and Exhibit 222 showing nine injured by lathis. There is no proof that any more were injured. The only injured person that died is Maralur Hanumantha who was treated at Chowlur in the Hindupur Taluk. All the persons that were treated in the Mysore Hospitals have survived.

CHAPTER VI.

Causes of the disturbances.

101. The first Term of Reference to us is "to ascertain the causes that led to, and other circumstances connected with, the disturbances."

102. The principal cause of the disturbances, according to both the Government Counsel and Mr. Raju, was political in complexion. But, before proceeding to a consideration of it, we wish to dispose of the local causes which appear to us to be relatively of small importance. The chief among the local causes is stated to be the antagonism between Mr. Sampangi Ramiah Setty (Witness 147), a rich and influential banker and merchant of Goribidnur and Vice-President of the Municipality, on the one hand, and the local officers, particularly the Amildar and *Ex-Officio* President of the Municipal Council, on the other. Mr. Setty was an ardent congressman and Treasurer of the Taluk Congress Committee and had large vested interests in the Taluk and in the Municipality. The officials say that he organised a powerful opposition in the Municipal Council against the President and hampered the smooth functioning of the municipal administration, because the latter would not connive at the irregularities which he attempted to commit, taking advantage of his official position in the municipality.

He missed no opportunity to discredit the Amildar, and even carried tales against him to the Head of the Administration with a view to get rid of him from the Taluk. He organised a band of hirelings, ostensibly for spreading the message of the Congress in the villages, but really to stir up trouble against the Amildar. He hailed the prohibitory order passed by the Amildar-Magistrate as a heaven-sent opportunity to organise a mass demonstration through the instrumentality of the local Congress Committee. He got handbills printed and distributed in and around Goribidnur Taluk, calling upon the people to muster in large numbers and defy the order by doing the very acts prohibited therein. He fed and boarded the volunteers coming from outside the taluk to take part in the defiance, and when the active local political workers were removed from the field by arrests and imprisonment, he invited Mr. T. Ramachar from Kolar to come down to Goribidnur and lead the movement. In his turn, Mr. Setty complained that the Police Inspector sent up mischievous and false reports against him with a view to prejudice him in the eyes of the authorities, that he and the Amildar who bore a grudge against him because of his congress activities and sympathies, launched vexatious cases against him on trumped-up charges, and that the local officials joined hands with his enemy, one Mr. R. P. Rajanna, and plotted to bring about his downfall. We are not very much concerned here with the truth or otherwise of these allegations and counter-allegations. One thing, however, seems clear: that the existence of the strained relations between this powerful local banker and the Taluk officials was a factor which had some bearing on the disturbances at Viduraswatha.

103. We now turn to the political cause which, admittedly, is of great importance. Mr. Raju contended before us that the catastrophe was the logical culmination of the repressive policy pursued by Government, whereby the fundamental rights of the citizens to freedom of speech and of association were extinguished by a series of prohibitory orders directed against congress workers whose only crime was to voice the sufferings of the dumb millions and to urge for the establishment of responsible government as the sovereign remedy for the extravagance and irresponsibility of an unsympathetic bureaucracy. He claimed that in carrying on their propaganda, the political workers steadfastly adhered to the triple principle of the

Congress creed, *viz.*, peace, truth and non-violence—in thought, word and deed.

104. Mr. Ramaswamy's case is that the professions of the congress agitators and their actual deeds were poles apart, and that they poisoned the minds of the unsophisticated peasantry by their pernicious propaganda and incited them to direct action including non-payment of taxes. He argued that it was the persistent campaign of vilification and misrepresentation of the actions and policies of Government, carried on by the Congress leaders, who did not scruple to exploit the ignorance and credulity of the raiyats during a period of acute economic distress and fed them with wild and impossible promises of relief, in case they were helped to power, that was the predominant cause of the tragedy which was enacted at Viduraswatha.

105. A brief history of the evolution of the present Congress Party may be helpful for an understanding of the discussions which follow. There was originally a political Association called the "Praja Mitra Mandali" which, in or about the year 1930, came to be reconstituted as the "People's Party." Both these were communal organisations. About the year 1935, there was a further transformation, and the People's Party emerged as the People's Federation, but the political outlook remained fundamentally the same. Side by side was functioning the Mysore Congress Party, whose activities, however, were confined, in the main, to what is known as "the Constructive Programme" of the Indian National Congress. Some members of the People's Federation even opposed the Congress candidates in the elections to the Representative Assembly and the Legislative Council held in March 1937. The coming into power of the Congress Ministries in many British Indian Provinces in July 1937 seems to have changed the attitude of the leaders of the People's Federation towards the Congress Party, and this resulted in a merger of these two bodies under the name of the Mysore Congress, owing allegiance to, and working as a Branch of, the Indian National Congress. The Haripura Resolution (February 1938) of the Indian National Congress, re-defining its policy towards the State as one of non-interference in the political field, led to a fundamental change in the constitution of the Mysore Congress Party. The latter cut its moorings from the parent body and began to function as an independent organization, though still professing the same Congress

creed of peace, truth and non-violence, in its agitation for the establishment of Responsible Government in the State.

106. The official evidence regarding the political cause is to this effect: After the merger of the People's Federation with the local Congress in October 1937, Mr. K. Chengalaraya Reddy, the first President of the newly-formed Congress Party, started an intensive propaganda in the Kolar District and organised the establishment of Taluk and Village Congress Committees all over the District. He and other congress workers began to deliver lectures grossly misrepresenting the intentions and policy of the Government. They referred, in particular, to high taxation and its inequitable distribution, high salaries of Government officers, neglect of the raiyat population, beautification of the cities at the expense of the villages, extravagant expenditure of the Government on unessential things, etc. The arrest of Mr. Thimma Reddy, an influential leader of the Goribidnur Taluk, on a charge of sedition, was fully exploited to fan the flame of popular discontent. His wife, Srimati Annapurna Devi, and other congress workers indulged in speeches couched in bad taste and containing personal abuse of the Head of the Administration. Speakers from outside the State were brought to inflame the public feeling against the Government still further. The subversive propaganda carried on under the auspices of the Congress poisoned the minds of the masses to a remarkably effective degree and bred in them contempt of lawful authority and of the officers who administer the law and collect the taxes, and lulled them into the belief that taxes would be considerably reduced and their indebtedness abolished if a Congress Government be brought into existence. The collection of land revenue in the Goribidnur Taluk seriously suffered, and in some villages the raiyats attempted to circumvent coercive processes for the recovery of kandayam by resorting to passive resistance.

107. Mr. Raju totally repudiates the above diagnosis of the trouble, and sees in it an attempt on the part of the local officers to shirk their responsibility and throw the blame for the tragedy on the Congress. The only way to adjudicate between the two rival theories is to examine some of the speeches of the Congress workers and see if they contain material calculated to inflame the mass mind against constituted authority. If such an examination bears out the official version, Mr. Raju and those whom

he represents cannot reasonably complain against the action taken by the Government to restrain the activities of the political workers who were responsible for creating such a situation. It is the paramount duty of every civilized State to enforce law and order against all those who attempt to disturb the public peace and tranquillity or sow, in the minds of the people, seeds of disaffection and contempt of lawful authority, and it cannot, without abdicating its primary functions, sit with folded hands and allow the mischief to run its course. This principle is of universal validity, irrespective of the form of Government prevailing in the country.

108. Mr. Ramaswamy has filed reports of 82 speeches delivered by several Congress workers in the Kolar District and in the adjoining Taluk of Dodballapur, during the acute period from September 1937 up to the eve of the disturbances at Viduraswatha. These are very bulky documents and it would take unnecessarily large space if we attempt to reproduce them here. Mr. Ramaswamy has kindly taken the trouble of preparing for our use an extract of passages from these speeches on which he relies to prove his case, but even this extract extends to over 46 pages of typed matter. We, therefore, propose to content ourselves by quoting some selected passages which, in our opinion, are representative enough to give a general idea of the tone and content of the speeches from which these passages are taken.

109. Mr. K. T. Bhashyam Iyengar, a prominent leader of the Congress, in his speech (Exhibit 362) at Dodballapur on the 9th September 1937, stated: "After his (Mr. Siddalingiah's) recent tour he had told me how *Government squeeze the blood of the poor and collect taxes from them.* The officers are enjoying luxurious lives at the cost of the poor raiyats. Mr. T. Siddalingiah explained to the people the real situation in the country and he is in jail for that. *There is repression everywhere against truth.* Everyone of you must face the situation. We are suffering a good deal on account of irresponsible Government . . Who are the mischief-mongers? Government wants the poor man's money to pay fat salaries. . . Why all these troubles? Because of irresponsible Government. If we talk more we will be arrested. Face the situation boldly and carry on the struggle spiritedly. You will win. Condemn this repressive policy of Government and agitate for Responsible Government."

110. On the very next day Mr. Thimma Reddy, a Congress leader of Goribidnur, made the following observations, in the course of his speech :—

" British people are engaged in a trick to persuade the States to send their nominated members to the Central Legislature so as to have a majority on their side . . . . *The Rulers of the States are irresponsible. In Europe Hitler gets only Rs. 75 or Rs. 100.* He works for his country. *We would like to have such dictators here. Forty lakhs were spent on the Mysore Statue instead of for the benefit of the villagers.* Lakhs of rupees are wasted on buildings. The Nizam does not spend any money at all. *One who goes to jail first will become the first Minister.* The Congress Ministers are benevolent, simple and easily approachable. But look at the attitude of the officers here. The Civil Service Officers merely criticise " the amateur Ministry." *We do not like to have duffers as our Dewan.* He came to this position suddenly by his luck. Mr. T. Siddalingiah has visited all the villages and inquired into their grievances and sacrificed his life for the benefit of the people. Why should he not be a Minister? The Congress people have announced that they are going to reduce the land tax by four annas in the rupee."

111. Some more extracts are given below :

Exhibit 340: Mr. T. Ramachar.—" *Freedom of thought, speech and meeting are denied to Mysoreans.* They are looked down upon as slaves; demanding such rights is an offence. The condition of the raiyats is pitiable. The Dewan has not noticed it. The Government say that taxes cannot be reduced. The officers get Rs. 5,000 and Rs. 2,000 salaries and they refuse to cut them down. *Asking for reduction of taxes has become an offence. Bhashyam and Nariman were jailed for making such demands.*"

Mr. G. R. S. Rao.—" *Government were afraid that Nariman would point out those defects. Therefore his mouth was gagged and he was put to shame.* The unwise policy of the Government led to the death of an Intermediate College student. *Bhashyam was arrested because he asked for prohibition.*" (Speeches at Kolar on 26th October 1937.)

Exhibit 323 : " *We are under bondage. It is a shame on the part of the Dewan to arrest Bhashyam. Are we brutes to be kept like this?* Is this the spirit of the Government? We ask for freedom. The brutality of

the police we know ; so many of us are in the prison." (Mr. T. D. S. Pani at Chikballapur on 26th October 1937.)

Exhibit 275: Mr. K. C. Reddy.—" The Government does not want the subjects to put forth their grievances to attain Swarajya. There were lathi charges and repressive orders. Revenue was not reduced. Toddy shops were not closed. Salaries are not reduced. Government do not consider these things. *Raiyats' money is consumed for beautification of cities, circles, gardens and buildings. Villages are neglected, no wells, schools or hospitals. It is sedition to express our grievances.* Leaders have gone to jail. Government are advising people not to join congress. People should not take to violence. Taxes are burdensome. The raiyats are poor and half-starved on account of taxes. Salaries must be reduced. Responsible Government must be given."

Mr. S. Ramappa.—" *Raiyats in British India are paying 4 to 10 annas per acre whereas Mysore raiyats are paying Rs. 3 per acre.*" (Speeches at Chintamani on 3rd November 1937.)

Exhibits 175, 214, 215: Sri Sunandamma.—"Government get more revenue from villages but *there are no schools in the villages* ; *sanitation is hopeless, no medical aid* and cottage industries are not properly encouraged. *Government collect taxes without showing any mercy even when crops fail.* You must agitate for remission of kandayam. Fat salaries and money is wasted in other ways. *Villages are neglected and cities are beautified. Large sums of money are paid to the 'Hindu' to flatter Mysore and suppress drawbacks.* Leaders were arrested because they worked for the benefit of the raiyats; Government are acting according to their whims and fancies. *To have check over them congress committees were founded.*"

Sri Annapurna Devi.—" *Your hard-earned money is snatched away from you in the toddy shops.* This is the benefit of the Excise Department and the Government enjoy the revenue. We must introduce prohibition as in Salem. Bhashyam and N. C. Thimma Reddy were arrested and imprisoned for sedition because they referred to prohibition. Taxes are heavy. *Government* cannot afford to reduce taxes *but they can waste money lavishly on electrification and beautification.* Salaries are high. Medical help is poor in the villages. To talk of these things is sedition. *N. C. Thimma Reddy said that 40 lakhs was wasted on the Statue at Mysore.* He was

charged for sedition. *Sri Rama's name is immortal for his good work. How long will the name of a Maharaja who spends 40 lakhs over a Statue be remembered.*"

Mr. K. C. Reddy.—"*99 per cent of our village folk are illiterate and Government are purposely keeping them in darkness.* If we talk more they charge us for sedition. Leaders were sent to jail because they worked for congress and thereby attempted to reduce the burden of the raiyats by reducing the kandayam and indebtedness. *Where is Sathya and Dharma? We congressmen could succeed in getting the remission of 25 lakhs tribute very soon* and the amount will be utilised for the improvement of the State; *kandayam will be reduced and indebtedness of the raiyats will be rooted out.*" "*Prepare to face war at this critical juncture.*" (Speeches at Goribidnur, on 24th November 1937.)

Exhibit 315.—Taxes are burdensome. *They are not getting anything in return. The Dewan and other officers cannot leave their customary habit of refusing just as people addicted to drinking and smoking. Kandayam remission granted is unsatisfactory. Even that was a result of congress agitation.*" (Mr. K. C. Reddy at Chikballapur, on 25th November 1937.)

Exhibit 262.—"The public condemn the present system of administration. Why not change and adopt Responsible Government? *Government should not feel proud of Gandhiji's praise to Mysore. Gandhiji would certainly change his view if he examines the situation in detail.*" (Mr. K. C. Reddy at Chikballapur, on 25th November 1937.)

Exhibit 281.—"*Land assessment is too high, more than in the bordering British Provinces.* We ask for prohibition of drinking and for affording all conveniences to the villages before beautifying cities. Salaries must be reduced. The Government do not listen to what we say." (Mr. K. C. Reddy at Malur, on 25th November 1937.)

Exhibit 293.—"*Village Panchayets' money is improperly and extravagantly spent.* The leaders are thrown into prison for explaining these things. The aerodrome scheme does not help the raiyat. *Forty lakhs of rupees are extravagantly spent on the Mysore Statue.* Cities are enjoying comforts, villages are neglected. *There is repression from officers.* We must work unitedly." (Mr. Nanjundiah at Chikballapur, on 1st December 1937.)

Exhibit 264.—" *The Dewan has said that he is a better congressman than his critics. But all those who have " Vibuthi " cannot be called as followers of Shiva. There is a vast difference between the conditions of the raiyats 50 years ago and now. There was no poverty then.*" (Mr. Ramachar at Kolar, on 6th December 1937.)

Exhibit 294.—" *The leaders are suffering in jail because they came forward to create conveniences for the public, such as hospitals and schools in rural parts.*" (Mr. Sampathkumaran at Chikballapur, on 6th December 1937.)

Exhibit 276.—" *Our voice is not reaching His Highness due to a set of people between the public and His Highness.* It is not proper on our part to be slaves when our neighbours are enjoying liberty." (Mr. Srinivasamurthy at Chintamani, on 16th December 1937.)

Exhibit 283.—" *The Dewan is doing things against the wishes of His Highness.* The Government undertake useless things and wasting money. If we approach the Government and humbly pray for the redress of our grievances we are called hooligans and sent to jail." (Mr. Muniswamiah at Melur, Sidlaghatta Taluk, on 17th December 1937.)

Exhibit 298.—" *The purpose of the birth of Congress is to terrify the Government.* In the British Province they collect land assessment only when there are crops but in our State they collect taxes even if the crops fail." (Mr. Sampathkumaran at Marasanhally, on 23rd December 1937.)

Exhibit 285.—" Raiyats are forced to sell away their lands and jewels to pay kandayam. *In the Madras Government the rates of taxation are much lower than here.* Lighting up of Nandi and Chamundi hills are unnecessary and extravagant. The Government are misusing the Sections of the Penal Code." (Sri Sunandadevi at Melur, on 29th December 1937.)

Exhibit 216.—" The Congress is established for the convenience of the raiyats. At present the money collected as taxes is used for beautifying cities and such other luxuries. *The collection of kandayam by the Government is done by creating party feelings amongst the people.*" (Sri Annapurnadevi—near Hirebidnur, on 2nd January 1938.)

Exhibit 286.—" *Congress really means to relieve the poverty of the poor people.* We were once happy but times have changed. Spread of Khadi will feed poor people." (Mr. Suryanarayana Pandit at Mallur on 2nd January 1938.)

Exhibit 299.—"*Government collect many cesses, but give no benefit in return.*" (Mr. Suryanarayana Sastry—at Puttaranahalli, on 2nd January 1938.)

Exhibit 306.—"Whatever may be the poor income of the raiyats, no one enquires into their grievances. People are unhappy and discontented. When Mr. N. C. Thimma Reddy said that people are suffering for want of water in the villages in Mysore (said to be *Ramarajya*) his speech was taken to be seditious and was sent to jail. K. T. Bhashyam was taken to be a traitor and jailed for preaching that toddy shops must be closed. Dr. Pattabhi was restricted at Davangere in regard to his speech. There is obstruction to put forth our grievances or invite our leaders. *We are not allowed to hear truth or express truth.*" (Mr. Suryanarayana Pandit—at Chikballapur, on 2nd January 1938.)

Exhibit 295.—Mr. Aswathanarayana Rao: "*Those who speak the truth are sent to jail. Is this not repression?*"

Mr. T. D. S. Pani: "*Thagadur was imprisoned for teaching home-spinning and weaving*: K. T. Bhashyam was imprisoned for demanding Responsible Government, N. C. Thimma Reddy and Siddalingiah for preaching prohibition. But Government and our Dewan say there is no repression." (Speeches at Chikballapur, on 6th January 1938.)

Exhibit 343.—"Alcohol saps the flow of blood. *Government are therefore sapping the blood of the poor* by allowing the liquor shops to exist. K. T. Bhashyam asked the shops to be closed down. This is sedition. The cities are beautified while villages have not even proper wells and are neglected. N. C. Thimma Reddy said so and this again is sedition. *Thirty lakhs are spent on a Statue. For suggesting better use for that money in the villages, one was charged for sedition. To prevent enlightenment of the public, Government are putting down freedom of meeting and speech.* Government are aware that the public are under-nourished but we talk sedition when we clamour for redress!" (Mr. Suryanarayana Pandit—at Kolar, on 6th January 1938.)

Exhibit 352.—"*To my personal knowledge, the shanbhogs, afraid of Government, have recorded crop to the extent of 12 annas when really it was not even six pies crop. The officers are preventing the raiyats from approaching His Highness.*" (Mr. K. Subba Rao—at Gudibanda, on 18th January 1938.)

Exhibit 353: Mr. H. L. V. Rao.—"*The Congress Government will relieve rural indebtedness by passing a Moratorium Bill.*"

Mr. H. L. V. Rao said again:—"If all people are united in action, Responsible Government could be established within an year and *I could arrange the removal of the whole burden of debts off the shoulders of the raiyat and bring about his well-being.*" (Speech at Beechaganahalli on 19th January 1938.)

Exhibit 307.—"*It is the fault of Government that the elected members of the assemblies cannot even represent our grievances. Hereafter we will ask them with force. The ministers now do not work according to the wishes of the people. It is increasing the hardships of the people. The present condition is "Divide and Rule Policy"—like the story of the ape and goat.* Assessment has not been lowered. *They throw small pice and take from us bare gold in the form of cesses.* The raiyats have lost everything by paying kandayam. *We ask* Government to relieve the raiyat from indebtedness. *Government canvass the people to come and drink toddy.* They won't abolish them for, they say, they will lose 45 lakhs of rupees. Government officers are paid high salaries. Electrification of Nandi and Chamundi hills is like "ಹೊಟ್ಟೆಗೆ ಕುಟ್ಟಿಲ್ಲ, ಜುಟ್ಟಿಗೆ ಮಲ್ಲಿಗೆ ಹೂ." *Government pay money to the "Hindu" to praise them.* They have wasted money on the Y. M. C. A. Rural Reconstruction Centre. *They invite distinguished men and treat them lavishly in return for certificates. Government take money from us and share it among themselves in the form of salaries. Government are your slaves.*" (Mrs. Sunanda Devi, at Chikballapur—on 1st February 1938.)

Exhibit 167.—"*The Revenue collected by sucking the blood of the subjects is wasted on big buildings.* The salaries are very high and the officers don't even enquire into the raiyats' grievances. To point this out is sedition. In Mysore, high appointments are held by Europeans as though we are incapable ourselves. Medical and educational facilities are inadequate. Government's encouragement to Khadi is poor. Village improvement now consists in building gate-pillars and planting cocoanut palms out of poor villagers' monies. Debt relief is not adequate. The land mortgage banks here charge 8 per cent. It is only 3 per cent elsewhere." (Mrs. Annapurna Devi—at Gudibanda, on 5th February 1938.)

Exhibit 317.—"Unjust arrest of leaders. My husband said that *40 lakhs spent on the Mysore Statue was*

ill-spent and to the neglect of the starving and suffering village children. But this, they say, is sedition. We want an efficient Dewan. *If you call a thief a thief, he will be angry. If we tell the Dewan what he has done, he will be angry.* My husband said that the Federal Assembly is not for the good of the people and that it is a British trick; he was jailed for sedition. Government are repressive; there is not freedom of speech. Demanding freedom and Responsible Government is sedition. *Full assessment is levied even when crops fail. The money is all spent for paying officers and beautifying towns.* It is sedition to ask for drinking-water facilities to the Adikarnatakas, for proper medical aid, for abolition of toddy shops. Khaddar must be encouraged. Rural reconstruction is not proceeding on proper lines. There is great waste. The Dewan is not spending his own money for the gate-pillars and cocoanut palms at the entrance to villages. *He does it all to be praised by others. The Lights on Nandi and Chamundi Hills are helpful only to the thieves who want to share their stolen property at night times secretly. It is not Rama Rajya, but Ravana Rajya.* Government feed and entertain the assembly members so that they may not speak anything at the meetings. N. C. Thimma Reddy opposed the proposal for a palace at New Delhi at a cost of 50 lakhs and suggested that the same amount may be employed for the benefit of the poor. He was charged for sedition. Our Dewan also later said that there was no need for a palace at New Delhi; *how should he be punished then?* The Assembly is a mere eye-wash. If the Congress leaders express the truth, they go to jail." (Mrs. Annapurna Devi—at Chitravati, on 6th February 1938.)

Exhibit 308.—"The Assembly is a farce. *After Sir Mirza became Dewan, State debt increased from 10 to 29 crores. He has borrowed from the Nizam's State.* The people are suffering for want of food. The Government are giving more salaries to Anglo-Indian constables, Inspectors and Superintendents, than to Hindus, who do the same work." (Mr. H. L. V. Narayana—at Chibkballapur, on 9th February 1938.)

Exhibit 300.—"You must all vote for Mr. Ramachar who works for the Congress. He will see that land assessment is reduced and water supply schemes and schools sanctioned." (*The meeting closed with the slogan "Fie on the Government!".*) (Mr. Venkatnaranappa—at Nayanahalli, on 14th February 1938.)

Exhibit 318.—"Sri Subbamma Jois was jailed for trying to create facilities for the raiyats. H. C. Dasappa was jailed for saying "You are eating the money of the subjects. It is your duty to create facilities for the public. *Government were afraid of a no-tax campaign and therefore released them. We are fed up with this administration. Vote for Congress. They will reduce land assessment by 50 per cent and do everything you want them to do.*" (Mr. H. L. V. Rao—at Peresandra, on 14th February 1938.)

Exhibit 354: Mr. Venkatanarayana Rao.—"*The poor raiyats who belong to the 4th Class (in the classification of Mysore people, H. H: Officers: Merchants: Raiyats) are in a wretched condition. The other three classes, however, live on the raiyats' money.* But it is sedition for the raiyats to ask for redress of grievances. *At Semenahalli, Government interfered and persuaded the Shanbhogs to modify their records to show eight annas crop when there was hardly two annas extent of crops. Parks, etc., are made just to get the title of "Model State," but are really a waste.*"

Mr. Kallur Subba Rao.—"*Land assessment is high. It is three times the rate prevalent in America.*"

Mr. N. C. Thimma Reddy.—"While serving the country we need not fear the Amildar or even his father. It has become sedition to ask for details of expenditure for the money we pay to Government. Become a Congressman; *even the Policeman will shut his mouth and go away if you say you are united.* The Dewan opposed the release of politicals but the Maharaja thought it was improper to send women into prison." (Speeches at Yellodu (Goribidnur), on 21st February 1938.)

Exhibit 309.—"Levy of duties on certain things the poor man needs, is very unjust. Duties have to be paid in many places. *The Government are thus sucking the blood of the raiyats. It is like shaving without water.* Be ready to go to jail. *Say that you will not pay land revenue. Do not pay cesses and stand by the Congress always.*" (Pundareeka Rao—at Chikballapur, on 22nd February 1938.)

Exhibit 301: Mr. Channabasappa.—"*There is no drinking water in the villages. Government say they have no money to provide for schools and hospitals but they are wasting money on an aerodrome; we are sent to jail if we ask about this.*"

Mr. Venkatanaraniah.—"*The Revenue records have been altered in Gudibanda to show eight annas crops*

though it was originally stated as two annas worth only." (Speeches at Manchana Bela, on 23rd February 1938.)

Exhibit 302.—"*The Minister near our Maharaja is a bad minister. He does not enquire into our sufferings and prevents us from approaching the Maharaja.*" (Mr. Venkatanarayana at Avalgurki, on 24th February 1938.)

Exhibit 173.—"*Government say that there is no money for starting village industries; but they have started a big electric generating station at Jog.* Public debt has greatly increased. To rectify all this, we must have Responsible Government. *We will reduce Kandayam by 50 per cent which our Dewan would not do even if crops fail. We will introduce prohibition scheme.*" (Mr. Sitarama Sastry, at Goribidnur, on 12th March 1938.)

Exhibit 174.—"Government are taking away as Kandayam the hard-earned money of the raiyats. *They give no benefit in return like the dishonest sweetmeat seller depriving innocent children of their few pice.* We must introduce prohibition.....40 lakhs *has been wasted by our Dewan on the Statue at Mysore. It is sedition to ask why, etc.*" (Speech by Sri Annapurna Devi at Goribidnur, on 21st March 1938.)

Exhibit 267: Mr. Sitarama Sastry.—"*Under Responsible Government we will reduce kandayam by 50 per cent by cutting short (high salaries) extravagant expenditure, start village industries and introduce prohibition.*"

Mr. N. C. Thimma Reddy.—"*Fifty per cent reduction in land tax, prohibition and debt relief. In British India certain congress ministers are considering a proposal to allow a certain acreage of land free of kandayam to every raiyat. We will also follow.*" (Speeches at Ramapur, on 21st March 1938.)

Exhibit 304.—"*Congress is fighting* for remission of kandayam and introduction of prohibition. N. C. Thimma Reddy and K. T. Bhashyam were jailed for suggesting that the 40 lakhs used for the Mysore Statue could have been better employed for the benefit of the poor." (Mr. Krishnaswami—at Thippanahalli, on 14th March 1938.)

Exhibit 172-271.—"*We must not pay kandayam but fight with the Government about this matter. We need not be afraid of Government.*" (Mr. Gangi Reddi—at Rayalpad, on 15th March 1938.)

Exhibit 319: Mr. Hanumanthappa.—"*Government are wasting the revenue of over 3 crores we pay them, half of it on salaries and the rest on unnecessary things.* Congress is established to stop the waste and give more

facilities to raiyats. Government have spent 14 thousand rupees on Narasimhadevaru Hills. But on estimating the work, clearly over Rs. 10,000 *is spent for bribery, etc.* Salaries also are very high."

Mr. Appaswami: "*Government have paid Rs. 30,000 to the National Party and sent them here to advise people not to join Congress.*"

Mr. Venkatanarayana Rao: "*The root cause of our deep poverty is the Government. They take our money and waste it on beautifying towns and for their own comforts.*" (Speeches at Nandi, on 16th March 1938.)

Exhibit 310: Mr. Sitarama Sastry.—"The raiyats are undergoing untold sufferings. *Many vultures are eating them from all sides.* They pay four crores of rupees but what are the benefits Government have provided for them? The Government officers are not paying any attention to our needs. *If I become the Prime Minister, I will try my best to redeem the sufferings of the poor, to improve the lot of the wretched, to give food to the starving, to clothe the naked, to educate the illiterate and to give wisdom to those who are unwise.*"

Mr. T. Siddalingiah.—"*Government bring big people from outside, treat them lavishly and get praised.* Government charge four annas per unit of electricity while it costs them less than a pie. They have increased the public debt and hence the burden on us. *Congress will drive away your poverty.*" (Speeches at Chikballapur, on 17th March 1938.)

Exhibit 171.—"*Raiyats are being eaten away just as vultures eat away the flesh and leave only the bone.*" (Mr. Sitarama Sastry—at Chikballapur, on 18th March 1938.)

Exhibit 305.—"*Congress means that which removes poverty.*" (Mr. Hanumanthappa—at Thippenahalli, on 23rd March 1938.)

Exhibit 278.—"In Mysore we have an extravagant Government compared with British Province—High salaries—Beautification of cities—900 cart-loads of money paid by the poor raiyats is wasted.—Prohibition—bribe of 15,000 rupees to the "Hindu". (Sri Sunandamma —at Chintamani, on 25th March 1938.)

Exhibit 170: Mr. Srikantiah.—"*State guests are well treated and they praise the Government.*"

Mr. Sitarama Sastry.—"*The condition of cattle, sheep and hens is better than our own condition. Sir Mirza is carrying on administration like Herr Hitler.* We have no freedom of speech here."

Mr. Thimma Reddy.—"Government officers lead appy lives—they cannot appreciate our sufferings. *The big people are eating up small people like big fish swallowing up small fish. . . . . 'Wear a Gandhi Cap;' even the Amildar will not come to your house for 'jafti'.*" (Speeches at Chikballapur, on 30th March 1938.)

Exhibit 346.—"*Congress is the solution for the problem of poverty.* If there is Responsible Government we will first introduce Debt Relief Act. *In Bombay a scheme is being considered under which land tax is levied from persons whose income is Rs. 2,000 or more, so that a man owning only 5 acres of land need not pay kandayam at all*; let us have a chance. You will see if we will do at all this." (Mr. N. C. Thimma Reddy—at Sidlaghatta, on 2nd April 1938.)

Exhibit 346: Mr. Channabasaviah.—"*In our land there is the party of Rama and that of Ravana.* If the Government had not released us, political prisoners from jail, they would have understood how the movement could grow, how kandayam could be collected—Our land is called *Ramarajya*—Lambani women carry faggots for nine miles to sell them; is there any other country where women are put to such disgrace?—*Electric current is supplied at 4 annas to us poor people and at two pies to others*; *is it fair*? The raiyat is not able to pay kandayam but the officials press him and extract money."

Sri Jayamma.—"*Our educational curricula are calculated to bring about differences.* Siddalingiah and N. C. Thimma Reddy were jailed for enlightening the people. Beautification of cities. No freedom of speech. *Government is like an old peevish man who does not care for the clamour of the child.*"

Mr. K. Chengalaraya Reddy.—"There is no doubt that Government adopted a repressive policy. That they have released us all shows that *Government admitted their guilt. Since they accepted their foolishness, let us give them time to grow wise. Everybody sucks the blood of the poor raiyats.*" (Speeches at Kolar, on 3rd April 1938.)

Exhibit 279.—"Leaders were jailed for speaking about the real situation at present. The raiyat has not got proper education or medical relief. He is overburdened with taxation. Government turn a deaf ear to our representation. Government are wasting public money in beautifying cities to the neglect of rural requirements. Everything can be set right by Responsible Government with elected Dewan and Councillors. *In*

Madras, kandayam has been reduced by 50 per cent." (Mr. Sitarama Sastry—at Chintamani, on 3rd April 1938.)

Exhibit 271.—" The poverty-stricken, timid, raiyat is troubled by the creditor on one side, and the Government on the other. *Congress wants to root out untruth, injustice and poverty. It stands* for the idea to make every one rich and happy. *Poor people are not allowed to see the Maharaja; he, therefore, thinks there are no poor people at all.* Out of the State Revenue of 993 cart-loads of rupees paid by the raiyats, the officers get their salaries and the Dewan possessing the best brains, takes 5,000 rupees a month." (Mr. Ramachandraji—at Heggalagere, on 4th April 1938.)

Exhibit 322.—" *We are not allowed by the officers to represent our grievances to the Maharaja for redress.*" (Mr. Puttanna—at Malur, on 19th April 1938.)

Exhibit 289 : Mr. Channabasappa.—" Congress people are called traitors, because they question the extravagance of Government."

Sri Jayamma.—" *Raiyats pay 900 cart-loads of money in return for nothing.*"

Mr. Bhadranna.—" *Notice would be given to Government announcing open and heroic disobedience to law on 1st May 1938.*" (Speeches at Malur, on 20th April 1938.)

Exhibit 290.—" K. C. Reddy went to jail for carrying on the movement on behalf of the raiyats. *Government are wasting our 900 cart-loads of money.*" (Mr. Bhadranna—at Malur, on 21st April 1938.)

112. Comment seems needless. It is enough to read some of these speeches to realise to what extent these representatives of the Congress are prepared to go to besmirch the fair name of the country. They contain palpable falsehoods, gross exaggerations and audacious claims. They breathe a spirit of violence, hatred and calumny. These leaders, it may be mentioned, claim to be true *Satyagrahis* whose creed is peace, truth and non-violence—in thought, word and deed. Surely, these are not worthy followers of that high-souled author of *Satyagraha,* whose name is venerated by millions throughout India, if not the world! Referring to one of the speeches (Exhibit 362) the learned Chief Justice of the Mysore High Court observed in the course of his judgment that the speaker was lying and that the lies " are the more contemptible, because in that very speech, the accused was posing as the champion of Truth."

113. Mr. H. C. Dasappa, a leading congressman, giving evidence before us stated that: "the Government was not only becoming autocratic, but personal and dictatorial in character and that it was with regard to the Dewan's attitude towards the Constitutional Reforms that the chief trouble arose." He and other Congress leaders who were examined in the case made constant references to certain speeches of the Dewan (marked Exhibits 435 to 438). Their contention was that the Dewan's alleged hostility to the aspirations of the politically minded, contributed to the tragedy at Viduraswatha. It is unnecessary for our purpose to go into these speeches. As the Dewan observed in one of them: "Is it repression to use the ordinary law of the land against the law-breakers? Is it repression to discountenance the activities of persons whose sole aim is the promotion of disloyalty, who go about trying to poison the minds of the public and delude them with wild and impossible promises? They seem to fancy that by calling themselves congressmen, they make themselves immune from the operation of the law and the odium that should belong to subversive propaganda." (Exihibit 437.)

114. It will be noticed that some of the passages we have quoted in Para 111 distinctly advocate the non-payment of taxes and incite the people to violence and direct action. There is nothing to show that the Congress repudiated these speeches delivered under its auspices or took disciplinary action against the speakers for violating its professed principles. It is disingenuous to contend, as Mr. Chengalaraya Reddy has done, that these utterances did not come to the notice of the Congress. Let us consider, then, what must have been the effect of these speeches on their auditors who, for the most part, were ignorant and credulous villagers. The latter were told that the Government were sucking their blood, and that, out of the three crores of rupees exacted from them in the form of taxes, one-half was distributed among the officers who oppress them, and the other half was wasted on the beautification of cities and other luxuries. They were exhorted to believe that the present Government was the cause of all their sufferings, and if they only joined forces with the Congress to capture the bureaucratic citadel and helped it to establish itself in the seat of power, their taxes would be halved and their indebtedness extinguished. Is it any wonder that the unsophisticated villagers, who were misled by these preachings, flocked in

their thousands to Viduraswatha to hurl defiance at the Government, and on the slightest provocation, burst out into open violence? Referring to some of the passages which we have quoted, Dr. De Souza asked Mr. Chengalaraya Reddy, an accredited leader of the Congress: "Won't you consider that speeches of this nature are calculated to bring the Government into hatred or contempt?" Mr. Reddy, with a prefatory remark that isolated sentences taken out from particular speeches may lead to wrong inferences, said that such statements were 'exaggerations' and that he "would not justify the use of that particular language in that particular manner." And when asked whether language of that kind used before ignorant people suffering, as they all did, from the effect of the economic depression through which we are passing, would not necessarily inflame their mind, Mr. Reddy answered: "Yes, certainly."

115. Mr. Raju contended that these passages taken out of their context might convey a meaning very different from what the speakers intended. But he made no attempt to show how, in their proper setting, these passages could possibly convey any other meaning. Another argument of his is that there is no guarantee that the police have accurately reported these speeches. Mr. Kallur Subba Rao who was shown the police report of his speech conceded that it was a good summary of his speech. Mr. Raju did not lead any evidence to prove that the speeches have not been fairly reported. On the other hand, Mr. Ramaswamy has proved the reports of these speeches by examining the Stenographers and the Police Officers who took notes of them. In the circumstances, we have no reason to doubt the general accuracy of the reports filed in the case.

116. As we have already seen, a complaint frequently made by the Congress witnesses against the Government is that they were not solicitous about the interests of the rural population, that kandayam was exacted under the most distressing circumstances and that no thought was bestowed by them on the condition of the masses. The progressive measures adopted by the Government for rural uplift are shown by the details furnished by Mr. Ramaswamy to which it is unnecessary to refer. That the State is progressive and that in many respects it is a model to the rest of India, is universally acknowledged by competent observers in and outside the State,—ignoring, of course, those who are out to besmirch the State. We

may refer to a statement recently made by an observer of great insight and a staunch and close associate of Mahatma Gandhi and who cannot be accused of saying what he does not sincerely feel. In his Convocation Address, that Friend of the Poor, the Rev. C. F. Andrews, observed: "I have noticed with the greatest pleasure and satisfaction, as I have gone about the country, in Mysore State, that already industrial power through electricity has been spread to many village areas. Handicrafts have been revived in country districts. What I am, therefore, urging this morning is nothing new to Mysore. For, under His Highness the Maharaja and the Dewan, who have this so much at heart, the State has already begun to show a wholesome change in this direction such as I have not seen in any other part of India." And towards the end of his speech he paid this compliment: "*I turn back.....to congratulate Mysore State on what has already been accomplished by its able administration in order to bring back prosperity to the villages and also to improve the mill areas in Bangalore.*" No one, we are sure, can question the motive of *Deenabandhu* C. F. Andrews.

117. In the end, we are inclined to agree with Mr. Ramaswamy that the vicious propaganda of calumny and hatred carried on by the Congress speakers inflamed the minds of the unsophisticated villagers and led to frequent clashes between the authorities and the Congress leaders and that the cumulative effect of all this was to bring about a tense situation in the country, which ultimately burst forth in mob violence at Viduraswatha.

CHAPTER VII.

Was firing justified, and if so, whether it was excessive.

118. Having discussed so far the incidents of the 25th, the questions that remain to be considered are whether the officers were justified in opening fire that day, and if so, whether the firing was excessive. These two questions are the second and third Terms of Reference to us. That the crowd was not composed of innocent pilgrims or holiday-makers but of persons bent on defying the prohibitory order has been pointed out already. It may be conceded that at the beginning they had no intention of attacking the officials. If the prohibitory order that was intended to be defied was a lawful order, the assembly was unlawful from the

very beginning. But assuming it was not a valid order, as contended by Mr. Raju and conceded by Mr. Ramaswamy, what would be the position? A large crowd assembled with defiant intentions (here we have to remember that Mr. Raju was again and again insisting that it was an average human crowd and all of them were not congressmen who had taken the non-violence pledge) is like a magazine full of gun-powder. The smallest untoward incident may produce a catastrophe. Under such circumstances, any officer who knows his business would naturally think that he has to see that the assembly should disperse, because it is likely to produce a breach of the peace. Again, in this case, as we have held, the crowd which was defiant and hostile from the beginning, became positively so after Mr. Ramachar left the grove, and began rushing at the officers, using insulting and abusive language. The Magistrate would be justified, in those circumstances, in asking the crowd to disperse and on its refusal, in proceeding to disperse the crowd by force under Section 128 of the Code of Criminal Procedure.

119. If, in the course of an attempt to disperse such a crowd, the officers met not only with resistance but with counter-attacks endangering their own safety, they are entitled to defend themselves for the purpose of avoiding such danger. There is evidence that after the lathi charge, stones were pelted on the officials, and at the earlier stages, at least one, and at a later stage, a large number of constables were injured. Three of them were so seriously injured that they were disabled for the day. We have further the fact that the crowd, in that defiant and hostile attitude, began to rush at the officers and as some witnesses have stated, they were pushed down the platform No. 19, and the officers found considerable difficulty in getting out of the grove, and some constables who were on duty were actually dragged into the crowd and assaulted. It is difficult to hold that the officers had no right of private defence in those circumstances.

120. Mr. Raju has contended that the injuries were not very serious, and that they were so slight that there was no need to resort to fire-arms. It is merely a chance that the actual injuries inflicted by the stones were slight. It is easy at this distance of time, with a full knowledge of all that happened, to say what should have been avoided and how the officers should have conducted themselves. But the real point is whether, in that

critical situation, the officials could be expected to suffer the crowd to go on in that way, and resort to firing only after serious injuries were caused. In all probability, if that attitude had been assumed by the officers, the crowd might have rushed at them and rendered even the rifles useless and, by sheer numbers, crushed the official party. What has got to be considered in the interests of law and order is whether the officers honestly came to the conclusion that their lives and persons were in danger and whether they felt that they had to resort to fire-arms in self-defence. Such a question, it is needless to mention, must be considered with some latitude and after giving due weight to the state of mind of the people confronted with such a situation. The circumstances we have explained above show that the officers were reasonably under the apprehension that they were really in danger. The evidence amply shows that they were being pursued by a large and violent mob accompanied by incessant stone-throwing. We, therefore, unhesitatingly come to the conclusion that the opening of the fire was justified.

121. Mr. Raju, however, contended that the order under Section 144 was invalid, that the assembly was consequently not unlawful, and that, therefore, the firing was unjustified. As we have mentioned in another connection, even conceding that the assembly was not unlawful in the beginning, it became unlawful at least after Mr. Ramachar left the grove, thus entitling the officers to ask the crowd to disperse, and on their failure to do so, to disperse it by force. Though on the question of the validity of the order under Section 144 of the Code of Criminal Procedure, we do not want to usurp the functions of a Court of Law, we find it necessary to discuss very briefly the contentions urged by Mr. Raju. His argument proceeds on the footing that the order under Section 144 was passed without jurisdiction. But even assuming that the officials in the first instance proceeded to do something not legal, it does not follow that the crowd had a right of retaliation. If they committed anything in pursuance of an illegal order, the persons actually aggrieved might resist them, and even proceed against them for any offence that they may thereby commit. But, the point to be noticed is whether the other members of the crowd who may sympathise with those wrongly dealt with by the police, have a right to retaliate and use violence against the officers. This question has been

considered in *Rex v. Nambudri Jaggaraju* (A. L. R. 1933, page 58, Ramesam and Stone JJ.). That was a case where certain pilgrims who assembled at a festival refused to draw a temple car according to the usual practice. The service rendered by the pilgrims was purely voluntary. They were not paid for it, and nobody had any right of compelling them to do so. On the day in question, the pilgrims refused to draw the car on the ground that a portrait of Mr. Gandhi was not placed in it as they desired. The police would not oblige them by allowing a picture to be placed in the car and the police went on inducing the people to pull the car without the portrait and, in so doing, exasperated the crowd. Then the usual jeering, etc., began, and the police used lathis against certain individuals. This is, thus, a case where the police, by their meddlesome efforts to attain their end, excited an assembly which was not unlawful, with the result that it became an unlawful assembly. Even on the assumption that the use of lathis against certain individuals was unlawful, it was held that *the rest of the crowd* had no right to retaliate on the officials and that when they began to do so and put the lives of the officials in danger, the latter had a right of private defence. This is what was observed in the case:

> " In the present case, assuming that the officials have brought about the situation and there is some initial mistake of tact or prudence, still, the question arises, what was their duty after the situation has been created. There is only one answer to this question. Whether the situation was rightly brought about or wrongly brought about, it is their duty to attend to the interests of law and order and to prevent a breach of the peace.....
>
> " What happened next was what always would have happened if a large mob had assembled for some purpose, and some hitch occurs, calculated to excite at least a portion of the mob. The situation is one of unstable equilibrium. Any little incident would excite and induce the crowd to take the aggressive against the officials.....
>
> ".....The mob cannot say that they do not want the police there and that they are justified in driving them away. It is always the duty of the police, when a large crowd is assembled, to be there for the purpose of preserving law and order, and no mob

can say that the crowd is entitled to prevent further lathi charges. In my opinion the fallacy in the whole case for the defence is, to confuse tactlessness or even provocative action on the part of the police with such an attack against individual person or persons as would give rise to the right of private defence....."

Then a number of cases were discussed. Again they proceeded to observe :

"I do not think that any case can be found in which it is laid down that mobs are entitled to drive away the police who have come there to prevent a breach of the peace, simply because they had made a lathi charge earlier or that they have an apprehension that there would be a further lathi charge unnecessarily or that the fear of a breach of the peace was brought about by their own indiscretion."

In the present case, even assuming the lathi charge by the police was uncalled for, that did not give a right of retaliation to the mob as a whole.

122. The decision of Collins C. J. and Shephard J. in 21 Madras, page 249, relied on by Mr. Raju, has no bearing on the point before us. In that case some persons were reaping crops standing in a field which they claimed to be theirs in a defiant spirit and against the orders of the police. In order to prevent them from reaping the crop and to disperse them, the police used their fire-arms, with the result that one of them was killed. It was held that the police officers were guilty of murder. In that case there was no question of private defence at all.

123. The case in 1926, I. L. R., Vol. VII, Lahore 104, has also no bearing on this case. There an Income-tax Officer entered into the petitioners' premises in order to inspect their accounts, which he had no power to do. The petitioners asked him to leave, and when he refused, they ejected him. It was held by the High Court that the officer was a trespasser and the owner of the premises had a right of private defence of property. The same proposition is illustrated by another case, in A. I. R., 1930, Lahore 348. It was there held that, where a police officer arrests or attempts to arrest a person without the emergency contemplated by Section 151, Criminal Procedure Code, the arrest is illegal, and the person arrested is entitled to offer resistance, and if he apprehends hurt at the hands

of the police officers, he is entitled to retaliate against them in exercise of the right of private defence. This only means, any one of the four arrested persons in this case might have resisted the arrest, but no more. Both these cases illustrate the statement in the A. L. R. case already cited that *the particular person arrested or assaulted has a right of private defence and no case can be found holding that his friends and sympathisers have a right of retaliation on his behalf.* The cases cited by Mr. Raju, far from helping him, are against him. The case in 50 Calcutta, 318, is helpful to us on account of the following observations at page 325:

> "Experience teaches us that in such a case the only remedy is the drastic one of shooting to kill in the first instance, and that anything less is likely to increase the fury of the crowd . . . . . .
>
> "It is admitted that, at the commencement of the occurrence, there was great excitement; the peon was assaulted and the constables had to be taken under protection. We find it hard to believe that the excitement should have at once subsided when the constables were taken to the kutcherry, when the grievance the mob had, was that the constables were siding with the kutcherry servants. The jury should also have been reminded of the fact that *an angry crowd is the more dangerous, because, the persons composing it will commit crimes jointly that they would never have committed individually . . . Nor did he remind the jury, as he might have done, that the accused were men of Eastern Bengal, like themselves, who would have probably been unwilling to cause the death of a fellow creature unless they felt compelled to do so.*"

The last observation is very important and anyone who overlooks it, knows very little of human nature. It only confirms the remark we made above that a large crowd is analogous to a magazine containing gun-powder, though every person in the crowd individually may not be inclined to violence. We think all these observations are useful in the present case.

124. A case in A. I. R., 1927, Lahore 706, shows that even where a public servant does something unlawful, the private citizens aggrieved thereby cannot take the law into their own hands and commit an assault on the public servant. In this case, a Collector entered upon the property of certain individuals to set fire to plants growing

thereon in order to facilitate the deposit of soil excavated from a canal bed. It appears the Minor Canals Act did not authorize him to do so. Nevertheless, it was held that though the Collector was guilty of trespass in entering upon the property of private individuals, the owner of the property had no business to take the law into his own hands and assault the officer.

125. The next question argued is that the officials in this case have exceeded their right of private defence and that they could have avoided any fear of death or grievous hurt by running away from the place. On this matter it is enough to refer to two cases, *viz.*, 1924 Patna, 388, and 1925 Oudh, 425. It is held, in the former case, that there is no obligation upon a person entitled to exercise a right of private defence and to defend his person to retire from the scene merely because his assailants threaten him with violence.

> "A man acting under an apprehension of death cannot be expected to judge too nicely the force of his own blow and is not bound to modulate his defence step by step, according to the attack, before there is reason to believe that the attack is over; he is not obliged to retreat but may pursue his adversary till he finds himself out of danger, and if, in a conflict between them, he happens to kill him, killing is justifiable." (See also 1925 Nagpur, page 260.)

These cases lay down that when a person is attacked the law entitles him to stand his ground and defend himself.

126. We, therefore, think that the firing was justifiable and was not excessive, but this finding is subject to the criticisms that have been made in Chapter IV.

CHAPTER VIII.

Final Remarks and Recommendations.

(Fourth Term of Reference.)

127. If persons defy law they cannot escape punishment, but the penalty of death in such cases is too severe a punishment, as was observed by Mr. Justice Horwill in his report on the Chirala Firing. Shooting ought not to be resorted to unless there is grave danger to life or property, and in other cases, some milder measures should be adopted. But unfortunately, no suggestions of a practical nature were made to us during the inquiry, and the Inspector-General of Police who is competent to speak on the subject was not examined, though, at one stage, Mr. Ramaswamy mentioned that he was examining him as his

witness. Tear-gas bombs have been suggested in certain quarters, but it would seem, there are practical difficulties in using them. The use of blank cartridges or shooting in the air has been tried and found wanting. Crowds may become aggressive if they know that only blank cartridges are used, and the lives of those engaged in the work of maintaining peace and order may thereby be exposed to very grave danger. It is because of these difficulties that we have suggested, in another portion of the report, that, at a psychological moment, the officers should withdraw from the crowd instead of resorting to a lathi charge. We may observe that to find out the proper time is not free from difficulty. But if, at any stage, that is possible, that must be done, in order to avoid a lathi charge, which may ultimately lead to fatal results. Steps may be taken in all cases to prevent, if possible, huge congregations which may get infuriated by the mere strength of numbers. Timely action should have been taken by the local officers to prevent so many processions congregating at Viduraswatha on the 25th, instead of dealing with the crowd after it had increased to about ten thousand. We have already observed that the task of dispersing huge crowds should never be undertaken with an inadequate force, and it would be safer, under those circumstances, to have the proceedings watched and then to institute action against the leading offenders, under the penal laws of the State. Attempts to persuade huge crowds to disperse are generally futile, and will only end in provoking them, with terrible consequences. We might emphasize that, except when there is danger to life or property, fire-arms should not be resorted to at all.

128. We are surprised to find in these proceedings that advocates of some standing and position have stated that advocating disobedience of law or of orders promulgated by lawful authorities, and leading crowds to defy such laws, are not inconsistent with the duties of advocates, who are rightly considered to be parts of the judicial machinery of a country. Advocates owe a duty to the courts to help the administration of justice by upholding law, and not contribute to the violation of it. It is all the more objectionable that they should induce others to disobey such laws and orders. We can only remark that the advocates who have figured as witnesses have serious misconceptions of their duties. Several of the High Courts in British India have held that such conduct on the part of an advocate is unworthy of his position as

an honourable member of the legal profession, and amounts to professional misconduct. This is, however, a matter for the High Court to consider in the exercise of its disciplinary jurisdiction over the advocates admitted into its rolls. We have referred to this topic here as, in our view, the position taken, in this connection, by the witnesses above referred to, is altogether erroneous.

129. We have stated that one of the steps that may be taken to prevent collision between the authorities and the public is to prevent huge congregations by timely action. Indeed, it was at one time urged by Mr. Raju that the officers should not have allowed so many persons to assemble at Viduraswatha on the 25th. This is a wholesome suggestion, and if the existing statutes do not afford sufficient facilities to attain that object, an enactment like the Criminal Law Amendment Act of British India, with suitable modifications, may with advantage be introduced in the State, not with the object of using it constantly, but only to prevent such critical situations as the one we are dealing with. We may mention that the Congress Ministry in Madras recently opposed a Bill brought on behalf of the public for its repeal, and maintained that such an enactment was necessary for the maintenance of law and order.

130. We deem it necessary, in this connection, to mention that we are very much obliged to the Counsel on both sides for the very able manner in which they conducted the proceedings and for the valuable help they have given to the Committee. We must also express our obligations to the public who have co-operated with the Committee and given their evidence. We express our thanks to the Trustees of the Sir Puttanna Chetty Town Hall for placing the Hall at the disposal of the Committee.

131. Mr. K. Subba Rao, the Secretary of the Committee, has worked very hard and has been of great help to the Committee, and we take this opportunity to express our thanks to him.

V. RAMESAM
(*Chairman*).

BANGALORE,
Dated 28th October 1938.

A. R. NAGESVARA IYER
(*Member*).

F. X. DE SOUZA
(*Member*).

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SUPPLEMENTARY NOTE BY Dr. DE SOUZA.

SECTION I.

Suggested methods of handling Satyagrahi crowds.

While agreeing generally with the conclusions of my learned colleagues, I should like to use a different method of approach to some of the more important issues arising in the case, and embody my observations in a supplementary note.

2. It is common ground that there was no disturbance in the crowd that had assembled in the western grove at Viduraswatha on 25th April 1938, till the moment when the leader of the Congress procession, Mr. Ramachar, left the grove. The crowd till then was, on the whole, a peaceful crowd, and Mr. K. Ramaswamy, the Government Counsel, has conceded this. It had offered *satyagraha* in the orthodox fashion. When the four volunteers attempted to hoist the Congress flag and to make speeches they offered no resistance to their arrest, nor was there any demonstration of violence in the crowd. It is stated that a crowd of sympathisers followed the fourth man on his arrest but no attempt was made to rescue him or to prevent his removal in the police van. The right of freedom of speech and freedom of association had thus been successfully asserted. The Congress flag had been duly honoured. On the other hand, the majesty of the law had also been vindicated, and if the proceedings of the day had terminated at that moment, the demonstration would have ended in peace with honour to both sides.

3. Here it may be noted that the prohibitory order (Exhibit 86), against which this demonstration was a protest, was an order which in the eye of the law was not a strictly valid order. It was an order directed against "Congress people" who are an indefinite section of the public and not against "the public generally," as required by Section 144, Criminal Procedure Code. It was also an order extending to an ill-defined area, namely, to a radius of two miles round the Viduraswatha *jatra* premises, which

themselves are of indefinite extent and not an area whose boundaries were clearly and specifically defined. For both these reasons, the consensus of authority of all the High Courts in India is that an order suffering from these defects is an order *ab initio* invalid within the strict letter of Section 144 of the Code of Criminal Procedure. The learned Government Counsel has frankly conceded that the order was technically invalid.

4. If, then, the prohibitory order *ex concessis* was not a valid order, it follows that the meeting held in defiance of that order was not an unlawful assembly; and the authorities were not, at any rate in the earlier stages, entitled to direct its dispersal under Section 127 of the Code of Criminal Procedure. Did such right accrue to them on the departure of their leader Mr. Ramachar? The learned Government Counsel has argued that on the departure of the leader it became potentially an unlawful assembly because they had gathered with the express purpose of defying the authorities, and when the restraining hand of the leader was withdrawn, the crowd might easily break out into open violence. On this point the Congress evidence is that when the crowd was told to disperse it asked for a short respite to rest in the cool shade of the grove till the burning rays of the noon-day sun became less fierce. The official version is that the crowd indulged in jeering and jostling, but there was no overt act of violence. My learned colleagues seem to take the view that even admitting that there was no stone-throwing, the insulting behaviour of the crowd afforded sufficient legal justification for asking them to disperse, and on their refusal to do so, proceeding to disperse them by force. They point out that even apart from the official evidence there are a number of non-official witnesses who bear testimony to this fact. I may say at once that I place little or no reliance on the oral evidence—whether official or non-official—on this point. I am content to rely on the earliest document, *viz.*, the *mahazar* (Exhibit 51) and the two reports of the Sub-Division Officer and the District Superintendent of Police (Exhibits 87 and 95) submitted to Government the next day, on which the Government Communique (Exhibit 335) is evidently based. The District Superintendent of Police himself admits that when the officers were pushed off the platform and got mixed up in the crowd, the crowd, if they were really violently disposed at the time, could easily have inflicted injuries on them, but no such thing happened.

He also admits that the Amildar and Naik Hutchia just before the lathi charge proceeded without obstruction or violence along the lane. If, therefore, no further arrests were intended, there was no reason to apprehend a breach of the public peace. On the other hand, for the authorities to attempt to disperse a crowd of 8,000—10,000 persons with the diminutive police force at their disposal, was mid-summer madness. They were under no legal obligation to disperse the crowd under Section 127, Criminal Procedure Code. The word used is "may", not "shall". Thus, the path of duty and the path of safety pointed in the same direction. If the crowd had been left to itself, it would have quietly dispersed by the evening. If confirmation of this view is needed, we shall find it, *ex post facto*, in the behaviour of the crowd which gathered in the same grove on 3rd May 1938—some of them armed with sticks—in defiance of the curfew order, and when directed to disperse by an officer of the Lancers, refused to move, but when left to itself melted away quietly in the cool of the evening.

5. It may be objected that the discussion whether the prohibitory order was a valid order is purely of academic interest. Both sides apparently acted on the assumption that it was a valid order. Mr. Ramaswamy, the Government Counsel, has suggested that the Congress was probably aware that it was an invalid order but acted as if it were valid, so as to have an opportunity for defying it and thus obtain cheap notoriety. This is somewhat fanciful; but whether the order was valid or invalid does not affect the merits of the subsequent events.

6. The Police and the Magistracy are always in a difficult position when they have to deal with political gatherings which resort to passive resistance. It requires great tact and patience to handle such crowds. My view of the matter is that, apart from the legal rights of the authorities, where there is no danger of violence to person and property, it is highly imprudent to attempt a forcible dispersal. Of course, if it is thought necessary to enforce legal sections against the civil resisters, all that is needed is to note down the names of the leaders or to take notes of any seditious speeches made by them, and institute prosecutions against them in due course in a court of competent jurisdiction.

7. The Indian National Congress has under the inspiration of Mahatma Gandhi introduced a new technique in the art of political agitation, *viz.*, the technique of

Ahimsa. It is worth considering whether a similar technique cannot be adopted by the State in dealing with such agitation. It was adopted with success by an officer of the Indian Civil Service on the occasion of the Hindu-Moslem clash described in the issue of the "Harijan," dated 2nd July 1938. If human lives are sacred, the experiment is worth trying. Mahatmaji has recently advocated the formation of Peace Brigades to handle riotous crowds and according to newspaper reports, some British Indian Provinces contemplate taking steps to organise such brigades. The suggestion may seem to be somewhat Utopian in the present political condition in the Mysore State, but it is an ideal which is worth striving for.

SECTION II.

Psychology of mob violence.

8. In an evil moment, the officials decided to disperse the crowd by force. As I have shown, it is doubtful whether, under the strict letter of the law, they had power to do so. It is certain that from the point of view of prudence it was a most ill-advised step. It was a very large crowd numbering 8,000 to 10,000 persons. The police force at the disposal of the authorities was insignificant, consisting, as it did, of 37 constables under one Havaldar and three Naiks, of whom 10 constables were armed with rifles and the rest with lathis. We have the opinion of the Havaldar Madhuraswami Pillai that the 27 lathimen who were available at Viduraswatha could effectively disperse a crowd of not more than 1,000 without resort to fire arms; and Inspector Basappa thinks that 50 lathimen are sufficient to manage a crowd of 2,000 to 3,000 persons, and thus, to handle a crowd of 8,000 to 10,000 persons a force of not less than 150 lathimen would be required. It must have been, therefore, clear to the authorities that the strength of the lathi force, which they had at their command, was totally inadequate for dispersing the crowd without resorting to shooting. And even then, the crowd might well have hemmed in the small rifle party and forcibly taken away their rifles and used them against the police, as was done on more than one occasion, during the Mopla rebellion.

9. When the Amildar, under the orders of the Sub-Division Officer, declared the gathering to be an unlawful

assembly and commanded it to disperse under threats of force, the pent-up feelings of the crowd burst forth. The inhibition imposed by the discipline of *satyagraha* vanished. They began to jeer at and abuse the officers. They shouted that they had as much right to remain in the grove as the officers had and indignantly asked whether the officers thought they had lost their manhood and "were wearing sarees." When the official party got up the platform and made a further appeal to the crowd to disperse, they were pushed off the platform and jostled hither and thither. The small party of officials was surrounded and the Sub-Division Officer feared that the retreat to a place of safety would be cut off. With the first lathi push, the disciplined crowd behaved like a riotous mob.

10. To any one acquainted with Mob Psychology, this sudden change of behaviour on the part of the crowd is easily intelligible. The mob had continued for a considerable time under the influence of *satyagraha*. Their attitude towards the arrests was one of non-violence. But the command to disperse accompanied by the use of force acted as a stimulus to their pent-up emotions. The result of such stimulus is thus described by Professor Elwood in his book "INTRODUCTION TO SOCIAL PSYCHOLOGY," page 237 :—

> "The emotional excitement which characterises the psychological crowd serves to inhibit the free working even of those habits, ideas and standards which normally guide the individual in ordinary social life. Acquired habits, the control of reflective thought and the sense of individual responsibility, drop away and individuals are left only with their impulses, emotions and the example of the crowd itself to guide them."

The state of mind engendered in the mob in mass meetings held in defiance of a Government prohibition cannot be better described than in the words of the leader writer in the "Madras Mail" in its issue of Tuesday the 6th September last :—

> "Meetings held in defiance of a Government prohibition serve as a focus of discontent for those who, for one reason or another, are opposed to the Government, or who are merely out for mischief. If any person or body of persons sets authority at defiance, however peaceful his or their intentions may

be, there will almost invariably be present those whose respect for authority is already slight, to take advantage of the occasion, especially if the act of defiance has been sufficiently advertised in advance. To have a stone in the hand and throw it is as natural a form of expression to some as to have a pen in the hand and write with it, is to others. It is only by slow and patient training and education that violent instincts can be quelled. Even so, in all but a few exceptional persons they slumber . . . . ."

11. Organisers of mass meetings in the present atmosphere should realise that until everyone of their followers has acquired the technique of non-violence, they merely encourage violence and are morally responsible for the consequences. It has been seen how the peaceful crowd at Viduraswatha was suddenly transformed into a riotous mob when the order to disperse was sought to be enforced with a lathi push. At that stage, the police had no alternative but to resort to firing in self-defence in order to disperse the mob. But even after the mob was dispersed by fire, it did not regain its calm. The more violent amongst them organised themselves into an armed band to attack the officials. They procured slings, spears, muzzle-loaders, stones and missiles, and besieged the Deputy Commissioner and his party in the quadrangle, pelting stones at them and severely wounding Arogyasamy, the Naik of the rifle party. They cut off their line of escape by barricading the road across the causeway, and effectively prevented medical aid and supplies from reaching them. Fire had to be opened a second time to disperse them. Quiet was not restored till reinforcements consisting of a hundred armed police arrived late in the evening.

12. When, on a memorable occasion in the early stages of the Civil Disobedience campaign in British India, the Mahatma was confronted with a similar situation, he exclaimed that *swaraj* of the kind would stink in his nostrils and suspended the struggle and fasted. Only the other day, he gave a stern warning in his message to the Travancore State Congress and told them that unless the resisters have full control over the forces of violence, the Civil Disobedience Movement will have to be suspended. (See the "Hindu," 4th October.) I venture to think that it would have been more in keeping with the precept and the example of the Mahatma if the

leaders of the Mysore State Congress had expressed regret for the excesses of the mob at Viduraswatha, whatever the provocation may have been.

SECTION III.

Inadequate arrangements made by the authorities to cope with the situation.

13. There is abundant evidence to show that the District officials had ample notice of the coming trouble, but that the arrangements they had made to meet it, were wholly inadequate.

14. Inspector Basappa, in his report (Exhibit 130) to the District Superintendent of Police, dated 15th April 1938, stated that printed handbills had been distributed that day, announcing the holding of a Congress meeting at Viduraswatha on the 18th of April to condemn the repressive policy of Government in respect of the Congress flag at Sivapura and to congratulate the leaders who had gone to jail defying the order under Section 39 of the Police Act, and that an appeal also had been made to observe *hartal* that day. On receipt of a report from the District Superintendent of Police, regarding this matter, the Deputy Commissioner, in his letter (Exhibit 131) to the District Superintendent of Police, dated 17th April, wrote to say that it was undesirable on political and other grounds to permit the holding of a Congress meeting in the *jatra* premises at Viduraswatha in the midst of a huge concourse of people collected there for business and worship, and directed that action be taken to obtain an order from the Amildar-Magistrate, prohibiting the holding of meetings in the *jatra* premises and within a radius of two miles for a period of fifteen days. Thereupon, Inspector Basappa made an application (Exhibit 144) on 18th April 1938, to the Amildar-Magistrate, on the strength of which, the latter passed a prohibitory order under Section 144, Criminal Procedure Code (Exhibit 86), in conformity with the directions given by the Deputy Commissioner, and had it served on the parties concerned.

15. No meeting was held on 18th April in the *jatra* premises but on the 22nd and 23rd of April the order was defied and meetings held, attended on the latter day by more than a thousand people. The meetings were

accompanied by demonstrations of considerable violence, especially on the second day, and several arrests were made on both days and the arrested persons sent to the First Class Magistrate, Chikballapur, for trial.

16. Reports of these incidents were made to their official superiors by Inspector Basappa (Exhibit 162) and by the Amildar-Magistrate (Exhibits 134 and 135). The Amildar-Magistrate in his report pointed out that as the *jatra* itself had terminated on the 21st April, the *raison d'etre* for the order had disappeared and recommended, in the circumstances, that the order be rescinded with effect from the 24th of April. He added that if the order were kept alive and the arrests continued, the Congress movement would gain in strength and women might be induced to come forward to disobey the order. In any case, he stated that unless the police force was adequately strengthened a grave disturbance of the public peace was inevitable.

17. On the receipt of this report, the Deputy Commissioner states that he, the District Superintendent of Police, the Sub-Division Officer and the Amildar had a joint discussion and came to the unanimous conclusion that the withdrawal of the order was not in the public interest in the face of open defiance on the part of the Congress people. The Sub-Division Officer was not questioned on the point. But the Amildar states that there was merely a talk between the Deputy Commissioner and himself. The District Superintendent of Police corroborates him and adds that he was present during the conversation, but that he did not offer any opinion as his opinion was not invited. It comes to this, then, that the Deputy Commissioner, on his own responsibility, turned down the wise suggestion of the Amildar and made a report to the Government (Exhibit 181) on the 24th of April stating that in spite of rumours to the contrary, nothing untoward had happened so far,—which was not strictly true, having regard to the incidents of 22nd and 23rd—and that he was watching the situation closely and had made proper police arrangements to take needful action in case the order was again defied.

18. How inadequate these preparations were, has already been mentioned. The crowd at the meetings at Viduraswatha was swelling from day to day. A good many witnesses examined by the Counsel for Government have deposed before the Committee, that on the 24th, handbills were widely distributed by the Congress workers

in the Goribidnur weekly fair and in the surrounding villages of Goribidnur and Hindupur Taluks, inviting people to flock in large numbers to Viduraswatha on the 25th of April, to show that in spite of the arrests of the leaders at Shivapur, the Congress was not dead. The Deputy Commissioner knew, on the 24th night, that Mr. Ramachar had specially come down to Goribidnur at the invitation of the local Congress Committee to lead the procession and that a number of volunteers had also arrived at Goribidnur and were being fed by the millionaire-Congressman Mr. Sampangi Ramiah Setty (Witness 147) who, it is clear from the evidence, was anxious to stage a huge political demonstration the next day. In these circumstances, the Deputy Commissioner ought to have expected a vastly larger crowd than the crowd for whom he had made police arrangements.

19. He was evidently visualising the necessity for dispersing the crowd by the use of force, by ordering a lathi charge or by opening fire, if necessary. Early on the morning of the 25th, he had the five domes of the electric lights in the temple quadrangle removed. He gave instructions that the Sub-Assistant Surgeon should remain at headquarters that day, with a view evidently to have medical aid handy if need arose. And yet, it is surprising, that although he was contemplating the use of violence for dispersing the crowd, he made no arrangements whatsoever for prompt first-aid to the injured or for an ambulance car.

SECTION IV.

Who gave the order to fire?

20. Perhaps, one of the most controversial issues in the Enquiry is whether the order to fire was given by a Magistrate or the police opened fire of their own accord, and whether there were two firings or only one firing in the morning of the 25th of April. This issue is of some importance because if the official version is true, the order to open fire was given after carefully considering the situation, first, by the Sub-Division Officer and *Ex-officio* First Class Magistrate in the western grove, and again, by the District Magistrate in the quadrangle, and both firings were directed and regulated by the Magistrates concerned. If, on the other hand, the Congress version is to be believed, neither the Sub-Division Officer nor the

District Magistrate gave the order to fire but the police took entire command of the situation and gave orders to open fire in the western grove, and there was one continuous firing by the retreating rifle party, each rifleman firing independently into the crowd, without direction or control.

21. The truth seems to me to lie mid-way between these two extremes. My conclusion from the evidence is that there was but one continuous firing by the rifle party when they were retreating from the western grove to the margosa platform (point 11) in the centre of the quadrangle; that though the Sub-Division Officer was present in the western grove, the District Superintendent of Police and Inspector Basappa entirely controlled the situation; that the police in self-defence opened fire of their own accord seeing that the Sub-Division Officer and the police party were in serious danger from the violence of the mob; that as soon as the first shot was fired the Sub-Division Officer fled to the shelter of the officers' quarters in choultry No. 8, where the Deputy Commissioner promptly joined him, and that the rifle party retreated, firing indiscriminately in all directions, until they formed again near the margosa platform under the command of the police officers and the Amildar, and from this point of vantage, they continued to fire until 'cease fire' was sounded. The criticism that not one witness, whether examined on behalf of the Government or the public, supports this conclusion *in toto* is, I venture to think, somewhat amateurish. The function of the Judge is not to blindly accept one or other of the rival theories or the evidence of one or other of the witnesses examined in support of it in its entirety, but to arrive at his own conclusion by piecing together, what, in his judgment, is most probable in the two theories. He will avoid the common pitfall in appreciating evidence, *viz.*, *Falsus in uno falsus in omnibus.*

22. I have the misfortune to differ from my colleagues in arriving at these conclusions and I shall very briefly recapitulate my reasons. The District Superintendent of Police, defining his position *vis-a-vis* the Sub-Division Officer, while nominally acknowledging his subordination to the Sub-Division Officer, makes the following startling statement: "I shared the responsibility for firing along with the Sub-Division Officer. If I were alone there, I would have done it myself. If the Sub-Division Officer had not given orders to fire, I would

have done it myself, and even if he had countermanded my instructions, I would have ordered firing in those circumstances." Acting in the spirit of this declaration, the District Superintendent of Police, assisted by Inspector Basappa, assumed control of the situation and took whatever steps he thought necessary, without consulting the Sub-Division Officer. Thus, he marched up, on his own initiative, the lathi party from the margosa platform to the western grove. It was he who came to the conclusion that the situation in the western grove had got out of control, and prevailed upon the Sub-Division Officer to give order for a lathi charge. It was he who, when the lathimen got into difficulties during the lathi charge, had them whistled back, so that they may line up behind the rifle party. Finally, when the lathi charge was about to commence, it was the District Superintendent of Police, again, who, without consulting the Sub-Division Officer and without so much as informing him, took the momentous step of summoning the rifle party from the margosa platform and posting them at a convenient place immediately behind the lathi party in the western grove at point 24, which was in the direct line of the stone-throw. True, the Sub-Division Officer was present in the western grove while all this happened. But his hands were tied. He had to wait for orders from his master, the Deputy Commissioner, but his master's voice was dumb!!

23. When the stone-throwing became more intense and the Sub-Division Officer found that his life was in danger he thought the time had come for him to seek refuge in flight. As he himself stated in his evidence: "It was just at that moment that I finally abandoned the idea of dispersing the crowd by peaceful means or any means whatever, and that I entertained the idea of myself clearing away whatever happened to the crowd." Meanwhile, according to the statement of Naik Syed Hameed (Witness 9), the District Superintendent of Police, finding his lathimen hard-pressed, blew a close whistle, a signal which meant "Rally to your commander or go and stand behind the rifle party." The lathimen, accordingly, ran and lined up behind the rifle party. In their flight, they outstripped the Sub-Division Officer who was heading, at the same time, towards the mouth of the lane which was clear. The Sub-Division Officer tripped and came down on his knees and his turban fell off. He staggered to his feet and ran to join the lathimen lined up behind the rifle party. The police then opened fire and all the officers

retreated under cover of the fire through the lane, the Sub-Division Officer to choultry No. 8, and the District Superintendent of Police, the Inspector, the Amildar and the Sub-Inspector, to the margosa platform (point 11). There, the police party formed again and continued the fire.

24. There is great conflict of evidence on this part of the case between the official witnesses on the one hand, and Mr. Krishniah Chetty (Witness 87) and the public witnesses—Rama Rao (Witness 124), Gangiah (Witness 122), Venkatappa (Witness 123), Brahmarayappa (Witness 114) and Ramalingam (Witness 126)—on the other. But reading between the lines of the evidence taken as a whole, I think this is the reasonable conclusion.

25. The Sub-Division Officer, on his own showing, had given up all idea of dispersing the crowd. His only thought was to clear away, whatever happened. He was running for dear life. The evidence of the official witnesses as to what happened at this stage makes confusion worse confounded. Havaldar Madhuraswamy Pillai (Witness 6) states that when the Sub-Division Officer, after his fall, struggled to his feet, he shouted out: "Open fire! open fire!" and that he was not then in his proper senses (బుద్ధి ఇరల్ల). Naik Arogyaswamy (Witness 8) says that he was then in a state of excitement and confusion. Naik Syed Hameed (Witness 9) states that he was gasping for breath. The District Superintendent of Police, in his evidence, stated that the interval between the cessation of the lathi charge and the first gunshot was hardly a minute. If so, the Sub-Division Officer's present story that he halted behind the rifle party to rally his forces and that he gave formal orders to open fire only after the elaborate preliminaries prescribed by the Police Manual had been gone through, by himself and the police officers, is a story which may do credit to his powers of imagination but not to his strict sense of veracity. After a critical examination of the evidence in the light of probability, my conclusion is that when the police officers thought that the lives of the official party were in imminent danger, they opened fire. The Sub-Division Officer's share lay in this: that he was persuaded to accept the responsibility for giving the order when the time for reckoning came.

26. That there was but one continuous firing which commenced in the western grove and, after a running fire through the lane, was resumed near the margosa platform

is further proved not only by the probabilities of the case but by the oral and documentary evidence to be presently discussed. The theory of a second fire alleged to have been ordered by the District Magistrate after the first one had stopped is an afterthought. The interval between the order to cease fire of the first firing and the commencement of the alleged second firing, is stated to have been, a few minutes by the District Magistrate, hardly two minutes by the Sub-Division Officer, one or two minutes by the Amildar, three or four seconds according to Havaldar Madhuraswamy, and two to four minutes according to some Provincial Reserve Policemen. It is not likely that during this short interval the crowd would have retreated and then advanced again, to necessitate a second order to fire. If, on the other hand, the pause between the two firings was appreciable, it would certainly not have escaped the notice of Mr. Krishniah Chetty who was an eye-witness, and other witnesses who took refuge in the choultries abutting on the quadrangle. The story of a second fire and that it was ordered by the District Magistrate seems to have been invented so as to make it appear that that officer was not merely a passive spectator from beginning to end. As a matter of fact, according to the evidence of Mr. Krishniah Chetty (Witness 87), he fled from his car as soon as he heard the first shot in the western grove, and took shelter in choultry No. 8. He had been sitting inert in his car for nearly two hours, not daring to face the danger zone. That on hearing the first gunshot, he took his courage in both hands, ran up from point 22 to the rifle party and took command,—as the official version has it,—to me, sounds incredible.

27. I shall not lay much stress upon the oral evidence on this aspect of the case. All the official witnesses examined by the Government Counsel speak of two firings but all the non-official witnesses including Mr. K. R. Krishniah Chetty (Witness 87), the District Munsiff of Coondapur, whose evidence is of unimpeachable veracity, state that there was but one continuous firing which began at the western grove and was continued from near the margosa platform (point 11); that the firing was indiscriminate and unregulated and resulted in the unnecessary killing of innocent persons like Chinnanna standing in the verandah of choultry No. 7, and the wounding of pilgrims like the schoolmaster Krishna Rao (Witness 74), standing in the inner court-yard of the same choultry.

28. Turning to the documentary evidence, the earliest document, the *mahazar* (Exhibit 51), drawn up at 2 P.M., immediately after the shooting, mentions only one firing under the orders of "*the Magistrate*," without specifying the Magistrate who gave the order to fire. The *mahazar* (Exhibit 51) and the connected "*mal-form*" (Exhibit 146) record that two cart-loads of stones which had been hurled at the officials were lying strewn on the ground and duly collected. The remarkable thing about the *mahazar* is, why it came into existence at all. Corpses were lying scattered all over the place; Chinnanna was slowly bleeding to death just a few feet away and a little timely attendance would, perhaps, have saved his life; and the wounded were lying everywhere in various stages of pain and suffering. But the Police and the Magistrates could think of no more pressing duty than gathering the stones that were lying about and solemnly recording a *mahazar* to that effect!!! I do not think I shall be far out if I infer that the *mahazar* had a purpose behind it, and that was, to create evidence at the earliest possible moment that the order to fire was given, not by the police, but by some Magistrate whose identity was to be determined later on. If, following the usual procedure, the police had made this *mahazar* to record the collection of stones, and nothing further, where was the necessity of giving a fairly full narrative of the events, and especially of the fact that the fire had been ordered by a Magistrate? When questioned why the name or designation of the Magistrate was not stated in the *mahazar*, the only explanation which the officials could offer was, that they either had no time or were completely rattled by the day's happenings.

29. We can follow step by step the gradual evolution of the theory that a Magistrate ordered the fire. In the inquest reports, Exihibits 72, 73, 75 and 76, recorded between 8-15 P.M. and 10-15 P.M. on 25th, and Exhibit 75, made between 6 A.M. and 6-30 A.M. on the 26th, the Magistrate who ordered the fire is described as "a Magistrate" or "a competent Magistrate." The non-official witnesses examined at the inquest, *viz.*, Srinivasa Rao (Witness 65), Papiah (Witness 55) and Aswathaiah, Shopkeeper of Viduraswatha, also mention but one firing and do not say that the firing was done under the order of any Magistrate. The First Information Report (Exhibit 114) prepared the same evening by Inspector Basappa also mentions one firing without specifying the Magistrate

or Magistrates under whose orders the fire was opened. If, from the very first, it was known that the Sub-Division Officer had given the order to fire, why was it not specifically so mentioned in the earliest documents—Exhibits 51, 72, 73, 75, 76 and 114? Why is the Magistrate vaguely referred to as "the Magistrate" or "a competent Magistrate"? I have a shrewd suspicion that the officials, after the firing was over, took counsel together. The Sub-Division Officer found himself placed on the horns of a dilemma. Whether he ordered the fire, or the police fired without his orders, he, as the Senior Magistrate present, would be liable to account. He would have to explain either the necessity for the order to fire, or his quiescence or absence when the police opened fire without his orders. He chose the lesser evil, and after a certain amount of persuasion on the part of his superior officer, the District Magistrate, and the police, he was prevailed upon to accept responsibility for giving the order. This, he did, not as a supreme act of self-sacrifice, but in his own interest. This course had this further advantage, in that it exonerated the District Magistrate as well as the Police.

30. It is not till the official witnesses were examined by the Special First Class Magistrate who conducted the inquest in the night of the 25th that the theory of two morning firings—one ordered by the Sub-Division Officer, and the other by the Deputy Commissioner—first sees the light of day (*vide* Exhibits 81, 82 and 83). The first documentary evidence where this theory is elaborated in greater detail consists of the reports submitted next day by the Sub-Division Officer and the District Superintendent of Police to the District Magistrate (Exhibits 87 and 95) and in the Case Diary of Inspector Basappa (Exhibit 161). Some more light would have been thrown on the point if the Diary of the District Superintendent of Police for the week had been produced. But the Government Counsel who promised to put it in evidence at the early stages, at the last moment pleaded privilege—a circumstance from which Mr. Raju asks the Tribunal to draw an adverse inference. In this connection, it seems necessary to point out that this Tribunal is not a court constituted to decide a case after hearing legally admissible evidence tendered on both sides. The ordinary rules of evidence have been waived in our proceedings. This was well understood by the Government Counsel, who produced during the enquiry many confidential documents

in the possession of the Government and their officers to enable the Tribunal to arrive at the truth. If the Tribunal were a Court, he could have legitimately claimed privilege.

31. Confirmation of the view that the fire was opened by the police without the orders of any Magistrate is also forthcoming in the earliest report of the disturbance in "the Hindu" newspaper in its issue of 26th April, contributed by its Hindupur correspondent who was an eye-witness. The relevant extract is as follows:—

> "The police had to withdraw at the same time opening fire on the pursuing mob till they reached the vantage ground near the choultry." (Exhibit 249.)

32. After a careful and anxious consideration of the evidence in the light of the probabilities of the case, it seems to me that there was but one firing in the morning, and that it was ordered by the police officers, without reference to any Magistrate, and that the story now put forward has been elaborated under a vivid recollection of the severe criticism in the Press and in the Legislative Council, of the firing ordered by the police officers without Magisterial orders in the Nariman Disturbances in October 1937.

SECTION V.

Was the firing necessary or excessive?

33. I also think that, in the situation in which the officers found themselves after the lathi charge had been inflicted, they can be excused for thinking that their lives were in danger and they could order fire in self-defence. When the lathimen began to push back the crowd, in the words of the Sub-Division Officer "pandemonium was let loose." The mob hurled all kinds of missiles available to them. Twenty-three officials including constables received injuries; most of them, it is true, were contusions or abrasions, but one of them on the left eye-brow of P. C. Ramaswami Raju (W. 12), was a serious injury. A small party of policemen and officials, surrounded by a menacing crowd of nearly 8,000 persons and subjected to a fusillade of stone-throwing, approaching in intensity, in the picturesque words of the war veteran Madhuraswami Pillai, to "machine-gun fire in the Great War," may

well have thought that they were in danger of their lives, and no one will blame them if they thought that, in self-defence, they had to open fire.

34. It is easy to be wise after the event. But if the rifle party had not been prematurely moved up from the quadrangle to the western grove, the retreating officials and lathimen would not have tarried near the mouth of the lane. They would have been forced to run through the lane and taken shelter in the vantage-ground of the quadrangle, until they were out of danger from mob violence. I am of opinion that the premature summoning of the rifle party to the western grove was one of the causes which precipitated the tragedy.

35. It is difficult to say whether the fire was excessive. Ten persons were killed and fifteen persons were wounded by the morning gun-fire (*vide* Exhibit 221). These casualties appear to be few having regard to the fact that ninety-two rounds of ammunition were fired. Mr. Penn attributes the smallness of the casualties to bad shooting on the part of his men, and admits the possibility of many shots having been fired in the air, either deliberately or because the rifle party consisting of only 10 men unable to take correct aim, being unnerved by the onrush were of the huge mob. The Inspector-General of Police in his report to Government (Exhibit 140), commenting on the fact that the casualties were disproportionate to the number of rounds fired, states that it was probably due to much of the firing having been done to intimidate rather than to injure the mob. Many of the Provincial Reserve Policemen express astonishment that the crowd rushed at them even after the fire was opened, exclaiming that it was blank fire (ಹುಸಿ ಮದ್ದು), a statement which lends support to the report of the Inspector-General of Police. But whether the firing was excessive or otherwise, it is certain that the firing was badly regulated and badly directed. The Magistrates who say that they gave orders for firing on that day, have deposed before us that they were not responsible for regulating the fire, a duty which was discharged by the District Superintendent of Police, but the District Superintendent of Police certainly did not exercise effective control over the firing. Mr. Krishniah Chetty (Witness 87) has given evidence that there was absolutely no stone-throwing from the direction of choultry No. 7 where he was halting, and still, the police fired at least four rounds in the direction of the choultry, killing one Chinnanna and wounding two—among them a pilgrim,

Krishna Rao, a schoolmaster of Hassan, who had a miraculous escape. The Deputy Commissioner himself admits that the firing towards the choultry was unfortunate and unjustifiable.

36. The absence of casualties by the evening firing is even more inexplicable. Nine rounds were fired into the crowd by a party of nine rifle men who stood and fired at point-blank range in two sections of five and four. We have the evidence of the District Superintendent of Police that section-firing is more deadly than independent firing, and yet the official version is that there were no casualties. This is most surprising.

37. I regret I am unable to accept the view urged by the learned advocate for the Public and supported by responsible leaders of the Congress, like Mr. Dasappa and Mr. Chengalaraya Reddy, that the crowd was deliberately inveigled into the grove, excited by a lathi-charge, and then shot. It is said that this was done for the purpose of showing that the Government had not become impotent and for making an example to the countryside. The suggestion is that the dismissal of their leader Mr. Ramachar was a ruse and the onslaught against the crowd, when deprived of their leader, was pre-arranged. The truth is that Mr. Ramachar was asked to leave in the hope that he would be able to take his followers with him, but he had not sufficient influence, except on a very small number, who followed him and the rest stayed behind. I shall have more to say on the conduct of Mr. Ramachar later on.

SECTION VI.

Conduct of individual officers concerned.

38. Here I should like to make a few observations about the conduct of the officials in handling the situation. Mr. Appaji Gowda, the Deputy Commissioner and District Magistrate, was the chief executive head of the District and primarily responsible for the maintenance of law and order and for safeguarding the lives and property of His Highness's subjects entrusted to his charge. I regret to say, when the crisis came, he proved wholly unequal to his task. It is in evidence that he was fully aware of the magnitude of the trouble that was impending. No further proof is needed than the report (Exhibit 181) which he

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himself made to Government on the 24th April 1938, on the eve of the disturbances. He had been warned by the Amildar of the seriousness of the situation, and advised that the wisest course would be to rescind the prohibitory order. He turned down the suggestion and reported to Government that proper police arrangements were being made. How inadequate these preparations were, has been shown above. When he had to face the crisis, he had a nervous collapse; he did not dare to go near the danger zone and remained seated in his car, deputing his subordinate to handle the situation. He seems to have suffered a temporary paralysis of thought and action. When the first shot was fired, he took to flight and found shelter in a room in the choultry. After the firing, while the dead, the dying, and the wounded, were lying on the ground, his first thought was to concoct evidence for the purpose of screening himself and the police. He tried to set up an *alibi* by saying that he was seated in his car at point 22 and not at point 11, with a view, evidently, to enable him to state with greater plausibility, that he did not notice the movement of the rifle party from the margosa platform (Point 11) to the western grove. His attempt to exculpate himself by saying that the Sub-Division Officer and the Amildar failed to report to him the full gravity of the situation is as ungenerous as it is unjust. He has proved himself to be wholly unfit to hold a position of responsibility, requiring courage, tact and decision.

39. The Sub-Division Officer, Mr. Shamanna, is a young officer of great intelligence, who suddenly found himself burdened with a responsibility for which he was not fitted either by training or by experience. He had not been taken into confidence, either by the Deputy Commissioner or by the District Superintendent of Police, regarding the measures they had adopted for coping with the situation or the adequacy or otherwise of the police force available for dealing with it; and yet, when the crisis came, the District Magistrate deputed him to take command. He found himself in an impossible situation. Responsibility was thrust upon him without power of initiative. It is no wonder that although he was the senior Magistrate actually present in the western grove, he allowed himself to be dominated by the police. His action in ordering a lathi charge has been subjected to criticism. It is said that he should have shown more firmness and personally gone to the Deputy Commissioner and implored him to take

command. But the police had precipitated matters without reference to him. They had marched up the rifle party and the Sub-Division Officer knew nothing about it. If he had been aware that the rifle party was handy, and would be directly exposed to stone-throwing by the mob, in all probability he would have held his hand, realising that lathi charge generally leads to shooting. When the whole thing was over and the first thought of the officials was to allocate responsibility, considerable pressure must have been brought to bear upon him to shoulder full responsibility both for the lathi charge and for the first firing. This, he seems to have done, after some hesitation, and it is not difficult to trace his complicity in the manipulation of the earliest documentary evidence in support of this theory. As an exhibition of *esprit de corps* and loyalty to superiors, it may be magnificent, but it is not good administration.

40. I was favourably impressed with the demeanour in the witness box of the Amildar Mr. Rajasekhara Voderu, and if he showed as much self-possession during the disturbances as he did while under examination before the Tribunal, he would have certainly cut a good figure. He seems to be an officer of independent judgment and the report he made to the Deputy Commissioner warning him, for reasons given, of the seriousness of the impending danger and the advisability of rescinding the order shows that his judgment is sound and that he is fearless in the expression of his view. It is his misfortune that he happened to tread on the corns of the local Congress-millionaire Sampangi Ramiah Setty while discharging his duties. It is due to this circumstance, I think, that a case has been made against him by the Congress witnesses that he shot down Aswathanarayana Setty with a revolver—a charge which is demonstrably false.

41. Mr. Khaleel, the District Superintendent of Police, is a comparatively junior officer with only eleven years of service. His experience in the Police Department was only eight months at the time of the disturbances. He had no previous experience of dispersing a violent mob. But whatever his previous inexperience, he displayed no indecision in dealing with the particular situation at Viduraswatha. On receipt of the telegram (Exhibit 133) from the Inspector on the 23rd of April, he immediately despatched a contingent of twelve Provincial Reserve Policemen under a Naik and himself proceeded to Goribidnur.

The same night he put himself into telephonic communication with the Deputy Commissioner at Chikballapur and persuaded him to wire to the Inspector-General of Police for further reinforcements. On the 25th morning when the police force had to be marched to Viduraswatha, he allowed only ten men to carry rifles from Goribidnur on his own responsibility. On arrival at the spot, he practically took charge of the situation and took whatever steps he thought necessary to cope with it. It was he who directed the Inspector to march the lathimen to the western grove. It was he who deputed Naik Hutchiah and got the rifle party marched up to the western grove just before the lathi charge commenced. It was he, again, who pressed upon the Sub-Division Officer the need for a lathi charge which ended with such disastrous consequences. It was not difficult to communicate with the Deputy Commissioner and if he had personally gone to him and asked for definite instructions whether the rifle party was to be moved up or not, instead of taking so rash a step on his own responsibility, the tragedy might have been averted.

42. I think it is not difficult to trace the hand of Inspector Basappa behind the activities of his superior officer, the District Superintendent of Police. He is said to have boasted to Mr. Venkataswami Gowda, President of the Taluk Congress Committee, on the evening of 24th April that there might be shooting of the congress crowd next day, but that as his superior officer would be present, he would escape scot-free. Whether this is so or not, it is certain that Inspector Basappa is the stormy petrel of Mysore politics. In the Nariman Disturbances in October 1937, he was popularly believed to have opened fire with his revolver, in the Intermediate College grounds. His conduct in getting Mr. Nariman arrested on the platform before he had closed his speech was severely commented upon by the Sessions Judge of the Bangalore Division. The learned Judge remarked :

"But unfortunately P.W. 13 Mr. Basappa who was only a Traffic Inspector at that time and who had no manner of concern with Mr. Nariman's arrest.... ..... unnecessarily interfered in his over-enthusiasm, at an inopportune moment, when he was not even in his police uniform and prompted, or if I may say so, forced P.W. 15 Mr. Syed Ahmed Hussain to arrest Mr. Nariman before he concluded his speech. He seems to have used some provocative language at that time..... Mr. Basappa

was, to my mind, somewhat wanting in tact when he took that step..... The conduct of Mr. Basappa as well as the fact that Mr. Nariman was practically dragged down from the Aswathakatte naturally provoked the crowd that was in the Banappa Park at the time, and it led to the excitement and subsequent unlawful assembly and riot."

After the Nariman Disturbances he was transferred to Goribidnur, evidently with the object of keeping an eye on the congress activities. He showed extraordinary flair in detecting congress activities in most unlikely places. But however uncanny his detective capacity, his methods do not make for peace, and if, in the Viduraswatha affair, he does not figure more prominently the reason may perhaps lie in the fact that his official superiors were present to shoulder the responsibility. I am of opinion that when a disturbance is threatened, he should not be placed in a position of authority unless there is a masterful superior officer to control him; otherwise, in a critical moment, he may dominate his superior officer and that will not make for peace.

43. I should like to say a word about the Doctor of Goribidnur—Sub-Assistant Surgeon Subrahmanyam—who showed great promptness in answering the call that was made on him, and did not spare himself in giving first-aid to the injured and otherwise providing for their well-being with the limited resources at his disposal.

SECTION VII.

Conduct of the Congress leader—Mr. Ramachar.

44. If a little more tact and prudence on the part of the officials might have averted the disaster, it is certain that the catastrophe was aggravated by the leadership on the side of the Congress. Mr. T. Ramachar took up the command of the enormous crowd that flocked into Viduraswatha to do Flag *satyagraha*. He is an advocate practising at Kolar and a member of the legislative Council, but his local influence over the rural population of Goribidnur Taluk was of the slightest. He had no previous experience of leading a *satyagrahi* crowd. He did nothing to satisfy himself that the crowd he was leading had been trained in the technique of non-violence. The handbill (Exhibit 47) which invited the crowd to do *satyagraha* was not a summons to peace but to war. It asked the crowd "to fling back the insult" which the authorities had offered to the movement by arresting

the leaders at Shivapur. Mr. Ramachar did not offer himself for arrest as the leaders had done at Shivapur. He put forward four callow youths to suffer arrest. When the crowd was declared to be an unlawful assembly and was ordered to disperse, Mr. Ramachar deserted his followers, leaving them behind like sheep without a shepherd. I cannot for a moment believe that he was made to leave by treachery. When the worst had happened and fire was opened, he did not move from the shelter of the Dodkurgod Station. It did not occur to him that it was his duty to go back and succour the wounded and the dying who had followed his leadership. Instead, he took the first train to Goribidnur and thence, disseminated false news, grossly exaggerating the number of casualties, in the press—news, which he knew was false. It is not by violence and a campaign of falsehood, such as Mr. Ramachar indulged in, that the cause of Responsible Government can be advanced. I have no hesitation in saying that at the hands of leaders like Mr. Ramachar the movement has received a grave set-back.

SECTION VIII.

Proximate causes of disturbance.

45. Mr. Raju, in summarising the causes that led to the disturbances, laid special stress on what he called the repressive policy of the Government of Mysore towards the Congress party which was formed in October 1937 by the merger of the People's Federation with the existing Congress. He referred at length to the speeches of the Head of the Administration which, he said, condemned the movement for self-government as a subversive activity and warned the leaders that punitive action would be taken against the agitators. He dwelt on a series of prohibitory orders issued under the preventive sections of the Code of Criminal Procedure and under the Mysore Police Act restraining freedom of speech and freedom of association. He said that criminal prosecutions instituted against the leaders of the Congress like Mr. Dasappa and Thimma Reddy, fanned the flame of popular discontent. And he added that the Viduraswatha Tragedy was the culmination of the series of repressive measures adopted by the administration to crush the movement for self-government.

46. But the speeches of the Dewan should be read side by side with the speeches of the Congress leaders

delivered at the same time: I have perused with very great care the speeches of the Congress leaders delivered in Goribidnur and other taluks in the course of the intensive campaign which was started in October 1937. They were delivered at a time of acute economic distress. They referred to what they called the crushing burden of the assessment and the severities of the tax-gatherer who did not hesitate to rob the housewife of her *thali* and the last chicken from her poultry-yard to recover the land revenue. They dwelt on what they called the bloated salaries of the officials who waxed fat on the miseries of the poor. They condemned the beautification of cities like Bangalore and Mysore and stated that hill-stations like Nandi Hills were lighted by electricity in order to enable thieves to share their stolen property secretly at night times. And some of the speeches which were not disowned by the leaders advocated, directly or indirectly, a no-tax campaign.

47. It is not denied that speeches of this character inflamed the public mind and filled them with disaffection, hatred and contempt of the Government of Mysore. I questioned Mr. K. Chengalaraya Reddy, one of the accredited leaders of the Congress, whether language of that kind uttered before ignorant people would not necessarily inflame their minds, to which he answered with commendable frankness "Yes, yes, certainly." And he practically admitted that this intense agitation was one of the proximate causes of the disastrous happenings at Viduraswatha.

48. It must be remembered that this was the atmosphere in which the Dewan delivered his speeches and the Government issued prohibitory orders. Those speeches, in my opinion, did nothing beyond drawing the attention of the country to the realities of the situation. As to the prohibitory orders, said to be an unjustifiable restraint on the freedom of speech and freedom of association, I cannot do better than quote a passage from so great an Apostle of Liberty as Professor Harold Laski from his treatise on "LIBERTY IN THE MODERN STATE" Pelican Edn., page 111:—

> "No one with experience of a great crowd under the sway of a skilled orator can doubt his power deliberately to create disorder, if he so desires. A speaker at Trafalgar Square, for instance, who urged a vast meeting of angry unemployed to march on Downing Street, could do so with a fair assurance that they would obey his behest. I do not think a

Government can be left to the not always tender mercies of an orator with a grievance to exploit. The State clearly has the right to protection against the kind of public utterance which is bound to result in disorder."

49. What was it that transformed peaceful country-folk in Goribidnur Taluk, normally so loyal to His Highness and so law-abiding towards his Government, into a howling mob thirsting for vengeance against the officers at Viduraswatha? There can be little doubt that seeds of disaffection and hatred had been sown in their minds by Congress speakers and it required only a spark to cause an explosion.

50. I am unable to say that the prohibitory orders complained of were in excess of the requirements of public safety. On the contrary, the policy of the Government of Mysore towards the Congress movement has been one of marked conciliation. At the height of the agitation the Government on more than one occasion held out the olive branch of peace. They proclaimed an amnesty to convicted persons. They announced that they would appoint a Committee on Constitutional Reform empowered to consider a scheme of Responsible Government. The answer to these advances was intensified agitation, culminating in the Viduraswatha Disturbances.

51. Mr. Raju has urged the Committee to hold that the only remedy for the grave disorders in the body politic disclosed by these disturbances is the immediate grant of Responsible Government. But that is a matter which is wholly outside the scope of our Terms of Reference. The Committee on Constitutional Reform appointed by His Highness's Government is now considering the question, and I, for one, have no desire to trespass on its functions.

SECTION IX.

(a) Necessity of subordination of Police to the Magistrate in quelling a disturbance.

52. Perhaps the most important lesson to be learnt from this tragic episode is that the control over public meetings likely to be attended with grave disorder and danger to life should, from start to finish, be vested in

the Civil Magistrate. The Police should be the instruments to carry out the behests of the Magistrate. Otherwise, there is danger of the Reign of Force usurping the Reign of Law. It is all the more necessary to emphasize this, having regard to Mr. Khaleel's conception of his powers in relation to Sub-Division Officer and *Ex-officio* First Class Magistrate to which reference has been made in para 22. When all is said and done, it is a shocking thing for a civilized Government to have to inflict the penalty of death for a refusal to obey an order to disperse. But the interests of law and order which are paramount may sometimes require it. In such cases, it is obvious that the duties of the Magistracy and the Police and their relations *inter se* should be clearly defined. This presupposes well-trained police officers and a well-informed Magistracy. If Mr. Khaleel had specialised as a Police Officer and undergone a course in a Police Training School instead of being a Civil Servant temporarily holding an appointment in the Police Department as head of the District Police, he would have realised the folly of attempting to disperse an enormous crowd with the exiguous police force at his command and the danger to the lives of the innocent inmates of the pilgrims' quarters from an order for independent firing given to the hastily retreating rifle party. As regards the Magistracy, the District Magistrate in the present case had a complete break-down. The Sub-Division Officer was shorn of his power of initiative. Even otherwise, Mr. Shamanna was scarcely equipped to take command of the Police in an emergency. In consequence of the separation of judicial and executive functions in the State in recent years, he has been out of touch with crime and with political movements in his Sub-Division. He is out of touch with the *budmashes*. He is not in a position to exercise any influence over the Police. The result is that when called upon to deal with a situation of this kind, he finds it safer to blindly follow the lead of the Police. And the consequences may be disastrous.

53. I venture to suggest that the Police Manual, which lays down with meticulous care the formalities to be observed by the Police before giving the order to fire, should lay special emphasis on the subordination of the Police to the Magistrate. And it should be impressed upon the Magistrates, that Government holds them responsible for the lives and safety of His Highness's subjects. The reports on the firing which they have to submit to

Government should describe in detail the part respectively played by the Magistrate and the Police in giving the order to fire and the previous and subsequent events. No delay in the submission of these reports should be tolerated. Further, the officer who actually handles the situation, whatever his rank, should be required forthwith, to report to Government, by telegraph or by phone, the main events with sufficient details so that the Government may be put in possession of the essential facts at the earliest possible moment.

(b) Position of an advocate participating in a Civil Disobedience movement.

54. An interesting point which arose for discussion in the course of the Enquiry related to the position of an advocate leading or participating in a Civil Disobedience movement. By virtue of the *Sannad*, or licence to practise, granted to him by the High Court, an advocate or pleader has always been regarded in this country as well as in England as an officer of the Court, and as part of the machinery for the administration of justice acting in aid of the Judge. As such, it is argued, it is his duty to uphold the law when once it has been promulgated. It is not his business to discriminate between a law which is "moral" and which to him seems "unmoral" and should therefore be resisted. It is enough if it is the command of the Sovereign enforced by a sanction.

55. An advocate leading a Civil Disobedience movement places himself in an embarrassing position. He has to choose between loyalty to his *Sannad*, as a lawyer, and loyalty to his conviction, as a citizen. If he wishes to live by the Law, it is said, he cannot conscientiously disobey the Law. The position of such a lawyer has been considered by the several High Courts in India and the consensus of authority is to the effect that he cannot both retain his *Sannad* and at the same time take part in a Civil Disobedience movement. If he does, he renders himself liable to the disciplinary jurisdiction of the High Court. (*Vide*: I. L. R. 44 Bom. 418 F. B.; A. I. R. 1928 Cal. 415; A. I. R. 1928; Cal. 853; A. I. R. 1931 Patna 369.) I was also referred to an unreported case of the Mysore High Court in 1889 suspending for four months the *Sannad* of an advocate in similar circumstances, under their disciplinary powers. There is a Full Bench decision of the same court relating to the year 1930 which

followed the decisions of the British Indian High Courts quoted above.

56. The position is somewhat obscure and should be clarified. The Government of the Central Provinces are introducing a Bill in their Legislative Assembly to declare that the term "misconduct" occurring in Section 13 of the Legal Practitioners' Act shall not include political misconduct. It is for the Government of Mysore and for the High Court of Mysore to consider what attitude they will take up in the matter. It must always be remembered that the milestones of constitutional advance in British India are marked by heroic sacrifices made by great and eminent lawyers; but not the least of their sacrifices was the sacrifice of their *Sannads*.

(c) Need for emergency legislation.

57. One concluding observation I should like to make, and it is this: If the local authorities from the very outset had followed a settled policy and not allowed matters to drift, the Viduraswatha tragedy could have been averted. The monster-meeting for the flag-hoisting ceremony at Viduraswatha had been advertised long in advance. For at least a week before the advertised date, so-called *Prabhat Pheris* were parading the streets of Goribidnur at dawn carrying the Congress flag and shouting the Congress slogans. Some slogans, it is said, were seditious in tone. It was evidently a rehearsal of the drama that was to follow. The local leaders were well known. They were Mr. Sampangi Ramiah Setty and Mr. Venkataswami Gowda. On the eve of the meeting, Mr. Ramachar, the leader from the District Headquarters, came to Goribidnur to take command. The District Magistrate interviewed the local leaders and professes to have been satisfied with their pacific assurances. He did not attempt to hold a parley with Mr. Ramachar. I am not sure whether under the existing law, the Magistrates and the Police could take action to prevent the *Prabhat Pheris* or restrain the activities of the leaders, by taking security from them or otherwise. If that had been done, that day's demonstration could have been nipped in the bud. There was some discussion at the Bar on the point, but it was left obscure. If the existing law does not permit of such action, I am decidedly of opinion that it discloses a serious flaw in the legal armoury of the State.

58. The Royal House of Mysore justly prides itself on the fact that their rule is a benign rule and there is no emergency legislation in restraint of the liberty of the subject on the Statute Book of the State. But *autres temps autres moeurs.* I know that it is always odious in these democratic days to advocate any legislation restraining liberty of the subject in however slight a degree. But it is more odious to see leaders of popular movements keeping safely in the background and their followers paying the penalty. Perhaps the remedy may be to have some legislation in Mysore on the lines of the Criminal Law Amendment Act which is in force in British India. But the very idea of such legislation is repugnant to most of us trained in the British School of Jurisprudence. Nevertheless, even the Congress Government, who were loudest in their denunciation of this legislation when they were in a position of greater freedom and less responsibility, did not hesitate to apply some of its provisions, at any rate, the moment they came into office, and no right-thinking man can blame them. After all, when law and order are threatened, the safety of the State is the paramount consideration. *Salus populi, Suprema lex.*

F. X. De Souza,
28th October 1938.

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SUPPLEMENTARY NOTE BY THE CHAIRMAN AND MR. JUSTICE NAGESVARA IYER.

(*Vide* CHAPTER III, SECTION 4.)

Under whose orders was the fire opened ?

As we have the misfortune to differ from our learned colleague Dr. De Souza on this question we proceed to consider it in some detail. As we have indicated above, the case on behalf of the officers is that Mr. Shamanna, the Sub-Division Officer of Chikballapur, gave orders for firing when he found that the crowd had become very violent and the situation had got "out of control", while it is urged by Mr. Raju that the fire was opened by the police, without any directions from the Sub-Division Officer.

2. That the Sub-Division Officer was present in the western grove until Mr. Ramachar left, is now conceded. It is alleged on behalf of the public that after Mr. Ramachar left, and before the lathi charge was launched, the Sub-Division Officer and the Amildar left the grove to seek the instructions of the District Magistrate who was at point 22, that it was only the Amildar that returned to the grove, and that the Sub-Division Officer was not present near the western grove when the fire was opened. This statement appeared in the "Navajeevana" on the 26th of April. That the Sub-Division Officer was present at the grove when the fire was opened is amply proved by the evidence of unimpeachable witnesses, and we might, as an instance in point, refer to the evidence of Mr. Krishniah Chetty who has stated in explicit terms that it was only the Amildar that came from the grove to the District Magistrate before the firing began and that the Sub-Division Officer came back from the grove with the rifle party when they retreated to the quadrangle under cover of fire. Admitting, therefore, the presence of the Sub-Division Officer at the grove when the firing began, the question is whether the police ignored him and acted without his directions.

3. The official witnesses in the case have deposed uniformly that after the crowd became very riotous,

indulging in intense stone-throwing and rushing at the officers, the Sub-Division Officer ordered firing in self-defence as they were in danger of being hemmed in from all sides by the unruly crowd. We have also the evidence of Mr. Srinivasa Rao (Witness 65) who has stated that the Sub-Division Officer warned the crowd that he would order fire, and of Mr. Venkataswami (Witness 76) who has stated that an officer with a turban warned that he would open fire, and it is conceded that the only officer who wore turban was the Sub-Division Officer as the others had all worn hats. Exhibit 79, the statement of Aswathaiya recorded by the Inquest Officer, also shows that the Sub-Division Officer warned the crowd that he would open fire. As against this evidence, we have the evidence of some witnesses examined by Mr. Raju that the Sub-Division Officer was not present at all in the grove at that time. That, as we have shown, is false.

4. It is admitted that 92 rounds of ammunition were fired by the Provincial Reserve Policemen. Who is it, then, that gave this command to open fire? In the absence of the Sub-Division Officer, it must be taken that one of the superior police officers did it. It is not likely that the Police Inspector or the Sub-Inspector would have taken this responsibility without the orders of the District Superintendent of Police. There is no satisfactory evidence that the District Superintendent of Police gave orders to open fire. It may also be noticed that Mr. Rajasekhara Voderu, the Amildar, who was admittedly present in the grove, was himself a Magistrate. According to the evidence referred to above, even Mr. Rajasekhara Voderu does not seem to have been consulted by the police. Most of the witnesses examined by Mr. Raju only say that the police opened fire, without mentioning who gave orders for such firing. This very vague and indefinite evidence, which seems to be based on the assumption that the Sub-Division Officer was not present in the grove at all and that the firing began in the Sub-Division Officer's absence, does not seem to us to be acceptable.

5. Mr. Krishniah Chetty, to whose evidence Mr. Raju referred in this connection, has stated in his written evidence that he saw some of the officials moving about briskly into the grove and to their halting place in the new choultry (No. 8) at about 11 A.M., and that at 12 noon, he saw the Amildar go to the officials' stopping place and back to the grove in haste and that a few minutes later,

he heard the firing of guns, and that he saw the Police Force with rifles retreating under cover of fire through the lane to the quadrangle. He has however stated in his examination before us, that he noticed, particularly in the evening, that the officials were in the choultry room, that before this incident he was not very particular to notice it, and that before the firing, the District Magistrate was mostly sitting in his car near the margosa tree (No. 11). His evidence with respect to the officers after the firing is, that they ran away from the grove to the choultry (No. 8) and that the Police Force took their stand at No. 50 marked in the plan. Mr. Krishniah Chetty is definite that the District Superintendent of Police, the Amildar and the Police Inspector also ran for shelter to that choultry, whereas the evidence is practically one-sided that they were with the rifle party near the margosa tree, wherefrom firing continued after the police party retreated from the grove. Mr. Krishniah Chetty was standing inside the main entrance of the choultry, and he admits that he closed the door after he saw Krishna Rao injured by a shot, *i.e.*, before the firing ceased. In the confusion that was caused by these disturbances, Mr. Krishniah Chetty may have no vivid recollection of what he then observed and he may not have noticed with care the movements of the officers. It is also significant that in his written evidence, Exhibit 270, he does not mention that he saw the officers running away to the choultry. If Mr. Krishniah Chetty's evidence has to be accepted *in toto*, it means that even the police officers did not control the rifle party men during and subsequent to the retreat and that the latter acted on their own responsibility, which is very hard to believe. It may also be mentioned that several witnesses for Mr. Raju say that the Amildar, the Police Inspector and the District Superintendent of Police were at the margosa platform in the quadrangle (No. 11), which does not support Mr. Krishniah Chetty's evidence.

6. Another point urged in this connection is that even assuming that the Sub-Division Officer was present in the grove, he was ignored by the District Superintendent of Police, and was not consulted by the latter in any of the steps taken that day to handle the crowd. The lathi party had been stationed in the grove before the Sub-Division Officer went there after inspecting a Rural Reconstruction Centre close by, and the detailing of these men is certainly a matter to be attended to

generally by a police officer and not by a Magistrate. There is evidence that the District Superintendent of Police in consultation with the Sub-Division Officer ordered a lathi charge. Next to the firing, it is the lathi charge that led to the unfortunate incidents at Viduraswatha, and if, in that connection, the District Superintendent of Police acted in consultation with the Sub-Division Officer, it is difficult to hold that he acted on his own responsibility in opening fire, which was a far more serious matter.

7. We shall now briefly consider the documents to which Mr. Raju drew our pointed attention. The first document relied on is Exhibit 51, the mahazar, prepared at about 2 P.M., in which it is stated that 'the fire was by order of *a Magistrate.*' The contention is that as no Magistrate had ordered firing, the officers were anxious to make out that it was done under the orders of a Magistrate, and that as it had not been decided until then who should be induced to take that responsibility, it was vaguely mentioned in that document that the firing was by the order of a Magistrate, leaving it to be decided later, who should actually shoulder that responsibility. It is urged that, otherwise, it would have been stated in it that the firing was ordered by the Sub-Division Officer. The mahazar purports to have been prepared in connection with the collection of stones that had been hurled against the officers in the quadrangle, and it is urged by Mr. Raju that there was no necessity for such a mahazar, and that the only object with which it was got up was to establish, in due course, that a Magistrate was responsible for the opening of fire in question. If it was got up with that object, it is difficult to understand why the preparation of the mahazar was not taken up after the individual who had to take up that responsibility had been agreed upon. It may be that the officers should have given preference to the tending of the wounded rather than think of having a mahazar for the stones hurled at them. The police are, however, generally accustomed to the preparation of mahazars with respect to such matters as the collection of stones, and it is not strange that the police thought of having one for that purpose. If the District Magistrate and the other officers were prepared to get up documents to put forward a false case, they could have got up one after the details had been settled and put it forward in place of Exhibit 51. There was sufficient interval also for the officers to put their

heads together and agree as to who should bear that responsibility.

8. Next, the inquest reports which were prepared by Mr. C. Ramachandra Rao (Witness No. 20) are relied on in support of the theory put forward with reference to Exhibit 51. These are Exhibits 72 to 76. Except Exhibit 74 which was prepared on the morning of the 26th, the others were prepared at about the midnight of the 25th and the statements of the witnesses were recorded between 9 and 12 P.M. that night. Exhibits 77, 78 and 79 are the statements of Messrs. Srinivasa Rao, Papiah and Aswathiah. They have there stated that before the fire was opened, the Sub-Division Officer shouted to the crowd that unless it dispersed quietly, he would order the opening of fire.

9. It will be noticed that Mr. Anantaraman, the Revenue Commissioner, went to Viduraswatha at about 8-30 that night and returned to Bangalore after staying there for a short time and he has deposed that in the presence of the Sub-Division Officer, the District Magistrate mentioned to him that fire was opened by the orders of the Sub-Division Officer and that the Sub-Division Officer did not demur. It may therefore be taken that, by that time, there was no doubt in the matter, and that it had been settled that the Sub-Division Officer should take the responsibility for the opening of the fire. If the officers had by then made up their minds to make out a false case there would be no point in the fact that in the inquest reports prepared hours later it was not expressly mentioned that fire was opened under the orders of the Sub-Division Officer. As we have pointed out, the witnesses stated in unambiguous terms before Mr. Ramachandra Rao that the Sub-Division Officer stated to the crowd that he would give orders for firing, and it would be therefore difficult to make out from these exhibits that the matter was deliberately left vague in these proceedings to develop a particular theory later on. We think that it did not occur to Mr. Ramachandra Rao to refer expressly to the Sub-Division Officer in that connection as he was not concerned with that point at that stage. It may also be observed that Mr. Krishniah Chetty who was one of the *panchayetdars* has signed the inquest reports, accepting the view that fire was opened by the police under the orders of a Magistrate. Exhibit 74, which was prepared long after, does not also refer to the Sub-Division Officer's order expressly, and by that time, it must certainly be

conceded that the question as to who should take on himself the responsibility for opening fire must have been settled beyond all doubt. These documents do not, in our opinion, lend any support to the contention urged by Mr. Raju. We are not prepared to believe that Mr. Shamanna, a shrewd and intelligent officer, with full knowledge of the consequence of accepting responsibility for such a serious matter, did so in order to screen the police. He would naturally be anxious to save himself.

10. It is also urged that the District Superintendent of Police did not have sufficient experience in the Police Department, and he may not have, therefore, realised that he had to take the orders of a Magistrate before opening fire. But it will be remembered that he had ample experience as a Magistrate, and he had some experience in the Police Department, for, he seems to have been for a fairly long time the Head of the Taluk Police in his capacity as Amildar.

11. It is also urged that Mr. Basappa, Police Inspector, was of a fiery temper, incapable of taking a sober view of things, and that his zeal was greater than his discretion. We have in this case no evidence that he took any active part on the 25th April, and the evidence on record only refers to his strong remarks against the Congress activities in Goribidnur and to the part he played in some disturbances which took place in Bangalore during the time of Mr. Nariman's visit. It appears that, in what are called the Nariman disturbances, Mr. Basappa, who was in control of the traffic of the City, went out of his way and behaved in a very indiscreet and tactless manner. Merely because he did so on that occasion, it cannot be taken that he played a similar part at Viduraswatha even in the presence of so many superior officers including the District Superintendent of Police himself. Beyond the strong reports which he seems to have made of the Congress activities in Goribidnur, there is no evidence that he behaved in an aggressive way in connection with those activities there. If he really had the same fiery temper and enthusiasm which he is said to have had at Bangalore, he would have certainly tried to stop the activities in Goribidnur at their very inception and made trouble there, thus perhaps preventing the disasters which happened at Viduraswatha. Mr. Venkataswami Gowda has stated that the Amildar and the Police Inspector met him on the 24th, and told him that they would

shoot the persons who would attend the meeting on the 25th with impunity as their superior officers would be there to take up responsibility in the matter. The Amildar does not support Mr. Venkataswami Gowda's version. We do not see why the Amildar who is accepted to be a truthful and straightforward witness should be disbelieved on this particular point. Though judging from his antecedents Mr. Basappa is capable of behaving in a high-handed manner, there is absolutely no evidence for attributing to Mr. Basappa anything objectionable in connection with these incidents.

12. Much was sought to be made of the fact that the special diaries of the District Superintendent of Police were not produced, and it was argued that if produced, they would have shown that the firing was resorted to by the police of their own accord. In the first place, it is difficult to see how the police diaries which must have been prepared not earlier than the night of the 25th, by which time it had been settled that the responsibility for opening fire should be shouldered by the Sub-Division Officer, would show that the police were responsible for the shooting. In the second place, these are privileged documents and it is open to the witness to withhold them from the Court. If, under those circumstances, an adverse inference has got to be drawn against the party failing to produce them, we would be nullifying the well-established doctrine of privilege. We must therefore observe that it is not open to us to draw an adverse inference in this case from the omission on the part of the Inspector-General of Police to produce the District Superintendent of Police's diaries.

13. Mr. Raju also contends that the original report of Mr. Shamanna was drawn up so as to show that the police officers were responsible for the ordering of the fire, but after consultation with the Inspector-General, who had in the meanwhile come to Goribidnur, it was altered so as to show that Mr. Shamanna himself was responsible for it, and accordingly, the fourth sheet of Exhibit 87 was altered. This argument is based on the fact that the appearance of the fourth sheet is different from that of the other three sheets. The two other copies of Exhibit 87 were prepared simultaneously with it. These are Exhibits 90 and 91. There is no difference in appearance between the fourth sheet of these two copies and the other two sheets and the contents of the fourth sheets in them are the same as that in Exhibit 87. The foundation for the

argument thus disappears and apart from this, we have found independently that Mr. Shamanna was himself responsible for the firing.

BANGALORE,
Dated 29th October 1938.

V. RAMESAM,
A. R. NAGESVARA IYER.

SUPPLEMENT BY THE CHAIRMAN.

(TO CHAPTER V, PARAGRAPH 70.)

In fairness to the Press correspondents who have mentioned the name of Gowramma in the place of Byanna the following explanation of the exact process by which one name got in in place of the other is suggested. It is true that it is a conjecture but as there is a very high probability in it, I wish to mention it. In hearing any unfamiliar names either directly or through a telephone, the consonants are liable to get confused, while the vowels remain. Examples of this process have occurred in this case :—

Aswatha	Achappa (*Mail*).
Chinnanna / Chinniah	Thimmiah, Thilliah (*Mail*).
Malla	Nalla.

C/f [In the *Pickwick Papers*: Cluppins, Tuppins, Jupkins, Muffins.]

Similarly,

Byanna / Byranna	Gyramma.

Gyramma is the way in which lower classes in the Telugu country pronounce the name of the Goddess Gowramma and the person who heard it as Gyramma must have corrected it to the most respectable form, Gowramma. Having done it, he handed it over to the press correspondents in this form.

V. RAMESAM,
29th October 1938.

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